

27 primrose
cherry charee village H.D.

2013 K.M.

27 RIMORE
CHERRY CHASE VILLAGE H.D.

201
HFA
P



NOV 11 1964
RIMORE
MASSACHUSETTS



HISTORIC PRESERVATION COMMISSION


Isiah Leggett
County Executive

Leslie Miles
Chairperson

Date: 3/28/13

MEMORANDUM

TO: Diane Schwartz Jones, Director
Department of Permitting Services

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

SUBJECT: Historic Area Work Permit #625499

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP) and this application was **approved with one condition** by the HPC on March 27, 2013. The condition of approval is:

1. The proposed 5' to 6'6" tall fencing in the location shown is not approved; final design and location of west side yard fencing to be reviewed and approved at the staff level.

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: Alex and Kristy Sternhell
Address: 27 Primrose 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.





DPS-68

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: ksternhell@sternhellgroup.com Contact Person: Kristy Sternhell
 Daytime Phone No.: (301) 656-0209
 Tax Account No.: _____
 Name of Property Owner: Alex + Kristy Sternhell Daytime Phone No.: (202) 441-5105
 Address: 27 Primrose Street, Chevy Chase MD, 20815
Street Number City State Zip Code
 Contractor: Mauck Zaufinger & Associates Phone No.: (202) 363-8501
 Contractor Registration No.: 41258
 Agent for Owner: Nick Pendleton Daytime Phone No.: (202) 438-1557

PART ONE LOCATION INFORMATION

House Number: 27 Street: Primrose St.
 Town/City: Chevy Chase Nearest Cross Street: Brookville Rd.
 Lot: 15+Part 6 Block: 58 Subdivision: Section 2
 Liber: _____ Folio: _____ Parcel: _____

PART TWO TYPE OF PERMIT/ACTIVITY

1A. CHECK ALL APPLICABLE: Construct Extend Alter/Renovate A/C Stair Room Addition Porch Deck Shed
 Move Install Whack/Raze Solar Fireplace Woodburning Stove Single Family
 Revision Repair Reversible Fence/Wall (complete Section 4) Other: Steps & modification to house porch walls

1B. Construction cost estimate: \$ _____
 1C. If this is a revision of a previously approved active permit, see Permit # _____

PART THREE COMPLETE ONLY FOR FENCE/RETAINING WALL

2A. Type of sewage disposal: 01 WSSC 02 Septic 03 Other: _____
 2B. Type of water supply: 01 WSSC 02 Well 03 Other: _____

PART THREE COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height 6 feet 6" inches max.
 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.

Kristy Sternhell 2/6/13
 Signature of owner or authorized agent Date

Approved: with one condition on Chairperson, Historic Preservation Commission
 Disapproved: _____ Signature: _____ Date: 3/28/13
 Application/Permit No.: 1025499 Date Filed: 2/6/13 Date Issued: _____

Manarolla, Kevin

From: Bourke, Tom (Winchester Homes, Inc.)(Tom) <tom.bourke@whihomes.com>
Sent: Tuesday, March 26, 2013 1:54 PM
To: Fothergill, Anne; Manarolla, Kevin; Whipple, Scott; Silver, Joshua
Cc: Bourke, Tom (Winchester Homes, Inc.)(Tom); ChCh Village file (CCV@montgomerycountymd.gov); Feldman, Gail; HBSacks@comcast.net; P. Wellington; Stephens, Betsy
Subject: LAP comments for HPC hearing 3-27-13: 27 Primrose

The following are the comments of the Chevy Chase Village Local Advisory Panel for an item before the HPC on 3/27/13

The applicants, having been rejected by HPC for a central stair to their porch, have modified their design to locate the stairs at the sides. Staff recommends approval and LAP concurs with Staff and urges a prompt approval.

Submitted on behalf of the LAP by Tom Bourke, Chair

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	27 Primrose Street, Chevy Chase	Meeting Date:	3/27/13
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	3/20/13
Applicant:	Kristy and Alex Sternhell (Lila Fendrick, Landscape Architect)	Public Notice:	3/13/13
Review:	HAWP	Tax Credit:	No
Case Number:	35/13-13K	Staff:	Anne Fothergill

PROPOSAL: Alterations to front porch and stairs and widening of driveway

STAFF RECOMMENDATION

Staff recommends that the HPC approve the HAWP application.

PROPERTY DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Village Historic District
STYLE: Craftsman
DATE: 1909

BACKGROUND

In February 2013 the applicants had a Preliminary Consultation with the HPC and the majority of the HPC supported the proposed alterations to the front porch and driveway and found that they were in keeping with the review criteria. In March 2013 the applicants were granted a variance by Chevy Chase Village.

PROPOSAL

The applicants are proposing to alter the side-loading steps and wing walls of the front porch as shown in Circles 14-19. The 4' wing walls would be shortened one foot on both sides to 3' long walls and the porch steps would be reconfigured and reoriented on both sides. On the east (right) side there would be four steps to a landing where the direction changes and there would be three steps facing the street. The applicants would install a metal guard rail on the east and north sides of the porch steps. On the west side the wing wall would also be shortened to three feet and there would be four steps to a landing. At the landing three steps would come out both facing the street and to the west.

The applicants also propose to widen the driveway from approximately 8'6" to 10' wide at the front and then 11'2" beyond the BRL; driveway will be exposed aggregate concrete with a granite cobblestone border.

See existing, approved, and proposed plans in Circles 14-19 and photos of existing conditions in Circles 26-39.

Chevy Chase Village has approved the variance that is required for this proposal.

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* state:

Additional basic policies that should be adhered to include:

- Preserving the integrity of contributing structures in the district. Alterations to contributing structures should be designed in such a way that the altered structure still contributes to the district.
- 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.

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:

Driveways should be subject to strict scrutiny only with regard to their impact on landscaping, particularly mature trees. In all other respects, driveways should be subject to lenient scrutiny. Parking pads other paving in front yards should be discouraged.

Porches should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. Enclosures of existing side and rear porches have occurred throughout the Village with little or no adverse impact on its character, and they should be permitted where compatibly designed.

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:

- # 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.

STAFF DISCUSSION

As noted in the Background section on page one, the applicants had a Preliminary Consultation with the HPC on February 27, 2013. At that time a majority of the Commission found the proposed changes to the front porch to be compatible and approvable using the applicable guidelines. Based on this initial review by the HPC staff recommends approval.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application as being consistent with Chapter 24A-8(b)(1) and (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. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or anne.fothergill@mncppc-mc.org to schedule a follow-up site visit.



DPS - #8

HISTORIC PRESERVATION COMMISSION

301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: ksternhell@sternhellgroup.com Contact Person: Kristy Sternhell Daytime Phone No.: (301) 656-0209

Tax Account No.: Name of Property Owner: Alex + Kristy Sternhell Daytime Phone No.: (202) 441-5105

Address: 27 Primrose Street, Chevy Chase MD, 20815

Contractor: Mauck Zantfinger & Associates Phone No.: (202) 363-8501

Contractor Registration No.: 41250

Agent for Owner: Nick Pendleton Daytime Phone No.: (202) 438-1557

LOCATION OF BUILDING/PERMIT

House Number: 27 Street: Primrose St.

Town/City: Chevy Chase Nearest Cross Street: Brookville Rd.

Lot: 15 + Part 16 Block: 58 Subdivision: Section 2

Liber: Folio: Parcel:

PART ONE: TYPE OF PERMIT/ACTIVITY/ANNUAL

- 1A. CHECK ALL APPLICABLE: Construct, Extend, Alter/Renovate, Move, Install, Wreck/Raze, Revision, Repair, Reversible, AC, Stab, Room Addition, Porch, Deck, Shed, Solar, Fireplace, Woodburning Stove, Single Family, Fence/Wall (complete Section 4), Other: steps & modification to house porch walls

1B. Construction cost estimate: \$ 1C. If this is a revision of a previously approved active permit, see Permit #

PART TWO: COMPLETE FOR HIGH/CONSTRUCTION AND EXTENSION/ADDITIONS

- 2A. Type of sewage disposal: 01 WSSC, 02 Septic, 03 Other; 2B. Type of water supply: 01 WSSC, 02 Well, 03 Other

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

- 3A. Height: 6 feet 6 inches max; 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: Kristy Sternhell Date: 2/6/13

Approved: For Chairperson, Historic Preservation Commission; Disapproved: Signature: Date: Application/Permit No.: 1025499 Date Filed: 2/6/13 Date Issued:

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

<p>Owner's mailing address Mr & Mrs Alexander Sternhell 27 Plumrose Street Chevy Chase, MD 20815</p>	<p>Owner's Agent's mailing address Lila Fendrick, ASLA 6904 West Ave Chevy Chase, MD. 20815</p>
<p align="center">Adjacent and confronting Property Owners mailing addresses</p>	
<p>Mr & Mrs Edward F. Dunne or current resident 30 Quincy Street Chevy Chase, MD 20815</p>	<p>Mr & Mrs. Stephen Mysliwise or current resident 32 Quincy Street Chevy Chase MD 20815</p>
<p>Mr & Mrs. Thomas Burke or current resident 34 Quincy Street Chevy Chase MD 20815</p>	<p>Ms Ruth Katz or current resident 29 Plumrose Street Chevy Chase MD 20815</p>
<p>Mr & Mrs Bruce R. Baschuk or current resident 36 Plumrose Street Chevy Chase MD 20815</p>	<p>Mr & Mrs R. Scott Faley or current resident 25 Plumrose Street Chevy Chase MD 20815</p>

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

This 1915 Colonial Craftsman style stucco home features a generously sized lot where the house sits back from the sidewalk on a grassy podium above the sidewalk; its front and side porches overlook a gracious front yard and large sloping side lot dotted with mature shade and evergreen trees. Remnants of a sunken garden remain in the northwest corner of the lot. A narrow driveway extends along the east property line to a two car garage tucked in the northeast corner of the lot. A rough grey granite wall forms the east edge of the driveway and extends 85'-0" feet back from the brick sidewalk; it straddles the east property line.

Particular to this house's architecture is a +/- 5'-0" tall by 38'-0" long front porch wall which blocks any direct access to the front door from the sidewalk. The porch wall is centered on the front door. Extending off this porch wall are two lower symmetrical "wing" walls of 2'-7" height and 4'-0" length. Existing concrete steps are hidden behind these lower "wing" walls. Only simple metal railings suggest that steps might exist behind the walls. The only access to the front door is from the driveway or from the west side garden, neither of which is readily apparent from the street or sidewalk. The hidden approach to the front door and the height of the central front porch wall do not create a welcoming approach to the house.

The steps behind the east "wing" wall descend to a short concrete landing above a bank and directly to the driveway. The linear relationship between the steps and the driveway creates a hazardous condition for small children who could run from the porch directly into the driveway.

The steps behind the west "wing" wall face towards the west garden. Neither set of steps face towards the street or are visible behind the "wing" walls. This creates a perplexing condition for visitors.

Despite the spacious size of the lot the driveway is narrow at 8'-6" wide, framed by a broken rolled concrete curb along the west side and a granite wall on the east side. There is insufficient space to park a car adjacent to the east side steps, open the driver's side door, and step up onto the landing below the east side steps.

b. General description of project and its impact on historical resources, the environmental setting, and where applicable, the historic resource:

The site plan proposes several improvements to safety, circulation, use, and enjoyment of the property while respecting the historic character of the house with its prominent porch walls, mature landscape, and the diverse fabric of the historic neighborhood.

New steps at the sidewalk, a new lead walkway from the proposed sidewalk steps on axis with the front door, and a walkway parallel to the front of the house have been previously submitted and approved by the Historic Preservation Commission. These, in combination with proposed steps which will wrap around modified "wing" walls to face the street will provide safer, more visible access to the house.

The proposed steps at the sidewalk would be flanked by cheek walls built of Champlain granite. The proposed granite walls will be a medium grey granite with a split face finish. The cheek walls will be no higher than 12" above grade. The cheek walls will have a 2" thick coping of select Pennsylvania bluestone with a thermal finish on the top and all sides. The step risers would be built of Champlain granite to match the cheek walls. The step treads would be select Pennsylvania bluestone with a thermal finish. A metal handrail would be provided on one side of the steps. A post light with a copper Bevelo French Quarter lantern would be placed to the west side of the steps.

The new steps at the sidewalk would start 2'-0" behind the existing brick sidewalk as required by the Chevy Chase Village Building Code. The landing would be select blue flagstone with a natural cleft finish, laid in a random rectangular pattern.

The proposed front walkway above the proposed steps would be 5'-0" wide and be centered on the front door of the home. It would be made of select blue flagstone with a natural cleft finish. It will be laid in a random rectangular pattern. The walk running parallel to the front porch would be made of the same materials and would be 5'-0" wide. At the intersection of the paths there would be a small landing, 10'-0" x 10'-0", made of the same materials and laid with the same pattern as the walks.

★ [As mentioned earlier, the proximity and design of the east porch steps leading directly to the driveway create a hazard for small children.* The steps do not provide a visible, inviting approach to the front door. The proposed design recommends a minor modification to the length of the "wing" walls while maintaining the symmetry of the original front porch wall design.

*see Attached Exhibits

★ The 4'-0" long "wing" walls extending off the front porch would be shortened by 12" on both sides to 3'-0" to maintain the symmetry of the front porch design. On the east end, shortening the "wing" wall by 12" allows for new 4'-0" wide steps extending east of the shortened east "wing" wall and a wider driveway. On the east side of the porch there would be four steps descending from the existing front porch to an intermediate raised landing. These would be hidden behind the "wing" wall. At the landing the steps change direction; three steps would face the street. The landing would be elevated above the driveway; a metal guardrail and the elevated landing physically separate the steps from the driveway, thus removing the existing hazardous relationship between the existing east steps and driveway. Additionally, turning the steps away from the driveway and towards the front yard links the porch to the new walkway system and creates a more pedestrian-friendly connection between home and garden.

★ On the west side there would be four steps descending from the existing front porch to an intermediate landing. Those steps would be hidden behind the shortened "wing" wall. At the landing the steps would wrap around the landing, with three steps facing south and west. This design would provide access towards the street and the side garden. This historic style of steps provides an inviting approach to the front door and engages the side yard.

The landing at the bottom of the west steps will be built slightly elevated (+/- 9") above the grade around a nearby existing Southern Magnolia using pier footings and grade beams recommended by the Chevy Chase Village arborist to minimize the impact on the tree roots. Steel angle irons attached to the piers will support granite veneer placed below the flagstone walkway. The net effect will be of an elevated walkway with a granite riser.

At the bottom of the west porch steps the select blue flagstone landing links to the front walk which parallels the front porch wall and to an irregular flagstone path which turns the corner of the porch to meet a landing off the west porch steps which open to the central portion of the west side yard. The irregular flagstone landing then leads to a terrace off the rear family room steps.

★ The new steps leading to the front porch would have select Pennsylvania bluestone treads with a thermal finish; the risers would be select blue flagstone with a natural cleft finish in a blue grey range. The walls supporting the east steps would be concrete with a stucco finish, painted to match the house.

★ The shortened "wing" walls on the front porch would receive the same painted concrete coping detailing as the existing "wing" walls in order to match existing conditions.

★ As mentioned earlier the narrow width of the original driveway (+/- 8'-6") in some places prohibits comfortable usage of the driveway and opening car doors.

★ The driveway would be widened to 10'-0" from the sidewalk to the building restriction line., per the Chevy Chase Village Building Code. It would be 24'-0" long. Behind the building restriction line it would widen to 11'-2". The widened driveway would abut a select blue flagstone landing at the base of the east porch steps; this flush condition will provide a comfortable place for the owners to park and enter their home. The driveway will be regraded to provide a +/- 12'-0" long level area adjacent to the flagstone landing. The 11'-2" driveway width extends to proposed double gates and expands to become a courtyard space in front of the garage. The driveway would be paved with exposed concrete aggregate, bordered with grey colored Indian Block granite cobblestones. The courtyard would be paved with the same materials.

Double mechanically operating gates would be placed in line with the northeast corner of the mudroom to enclose the courtyard space and create a safe zone for children's play. These would be wood gates, painted or stained. The design of the gates incorporates boards set on the diagonal to be similar to the proposed traditional carriage house doors of the garage. The top of the gates would be pickets. A short panel of +/- 6'-0" tall fencing would be made of vertical 1" x 4" boards and would match the existing fencing at the west side of 29 Primrose Street. This fencing abuts the courtyard space in front of the owner's garage.

At the rear of the house a terrace of select blue flagstone with natural cleft finish connects to the courtyard space. It is composed of three areas. The central terrace has a semi-circular edge responding to the shape of the semi-circular bay off the breakfast room. The other two terraces are rectangular in shape and respond to the massing of the rear of the house. Indiana limestone borders, 16" wide, frame each space. Small triangularly shaped landings of Indiana limestone would be placed at the bottom of the double curving steps behind the breakfast room.

A generator on the west side of the garage would be framed by an orthogonal gridded lattice paneled fence approximately 5'-0" high. This would be planted with ornamental vines to conceal the generator.

The sunken garden would be repurposed into a children's play area. It will be accessed by bluestone slab steps. The sloping banks would be sodded for children's play.

The side and front yard would be gently regraded to create more level spaces for play. All disturbed areas would be sodded.

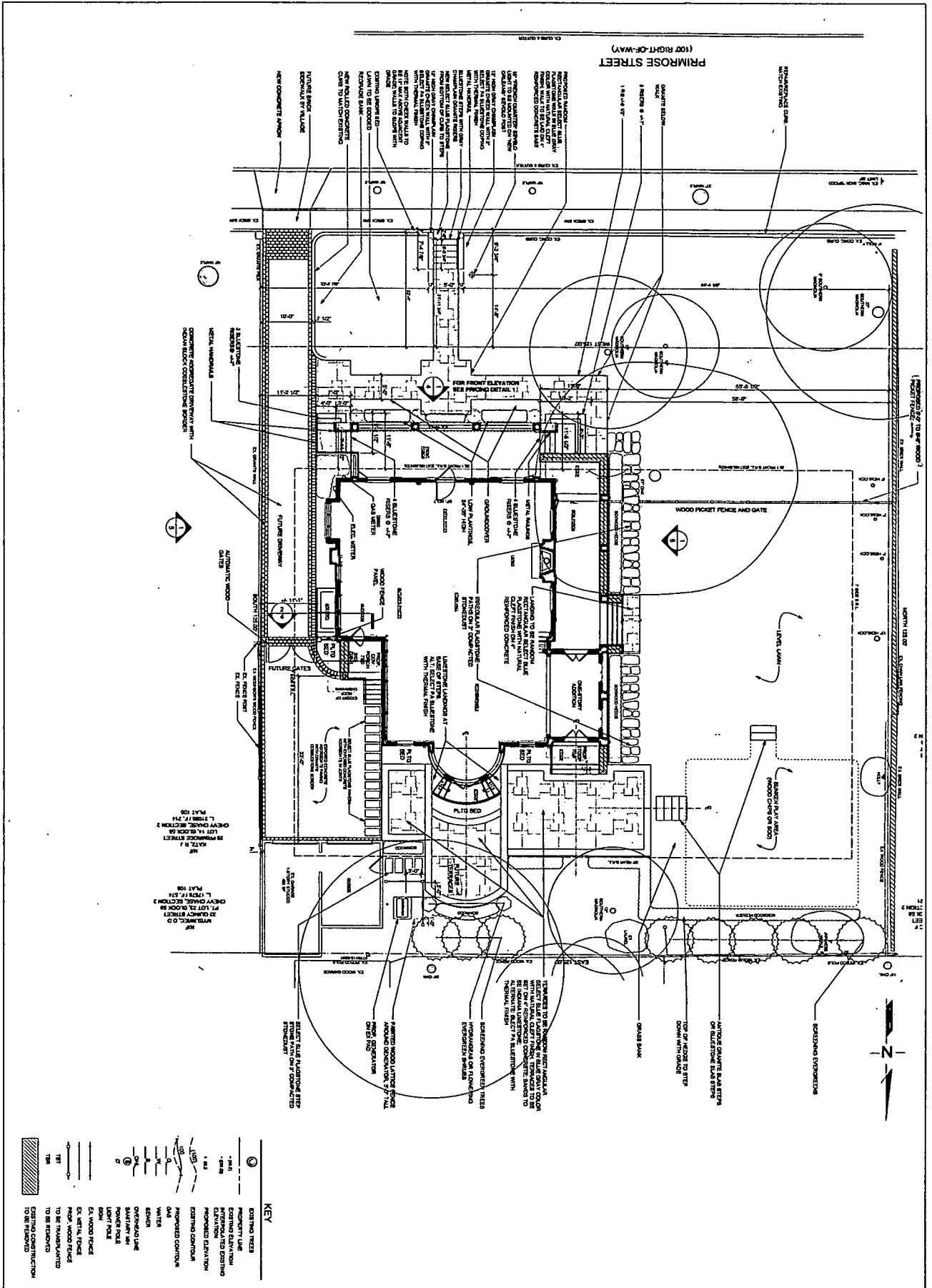
On the west side of the house a 5'-0" to 6'-0" tall wood picket fence would be built to provide some separation from the street to the side yard. This would be painted or stained the same color as the wood gates on the east side. It would have one 4'-0" wide single gate. The maximum height of the fence would be 6'-6" tall.

The materials mentioned above have been selected to integrate the new construction within the original house design and historic setting and to create a seamless transition between old and new. Where abutting the original house and porch, the new east landing wall would be painted stucco. The shortened "wing" walls at the front porch would be painted stucco and detailed with a stucco cap to match existing.

Materials used along this block of Primrose Street include granite walls, bluestone and flagstone paving, and wood fencing and gates of varying designs. Other materials found within Chevy Chase Village include exposed concrete aggregate paving and granite cobblestone. The materials selections are intended to blend contemporary materials in a subtle manner with the historic setting of the house and Chevy Chase Village.

The environmental setting would be managed with careful stewardship of the existing trees and minor adjustments to grades. Protection of the trees throughout the construction process, preservation of the healthy trees, annual evaluation of the trees, and introduction of new carefully selected plant species will contribute to the beauty of this historic resource in the Village.

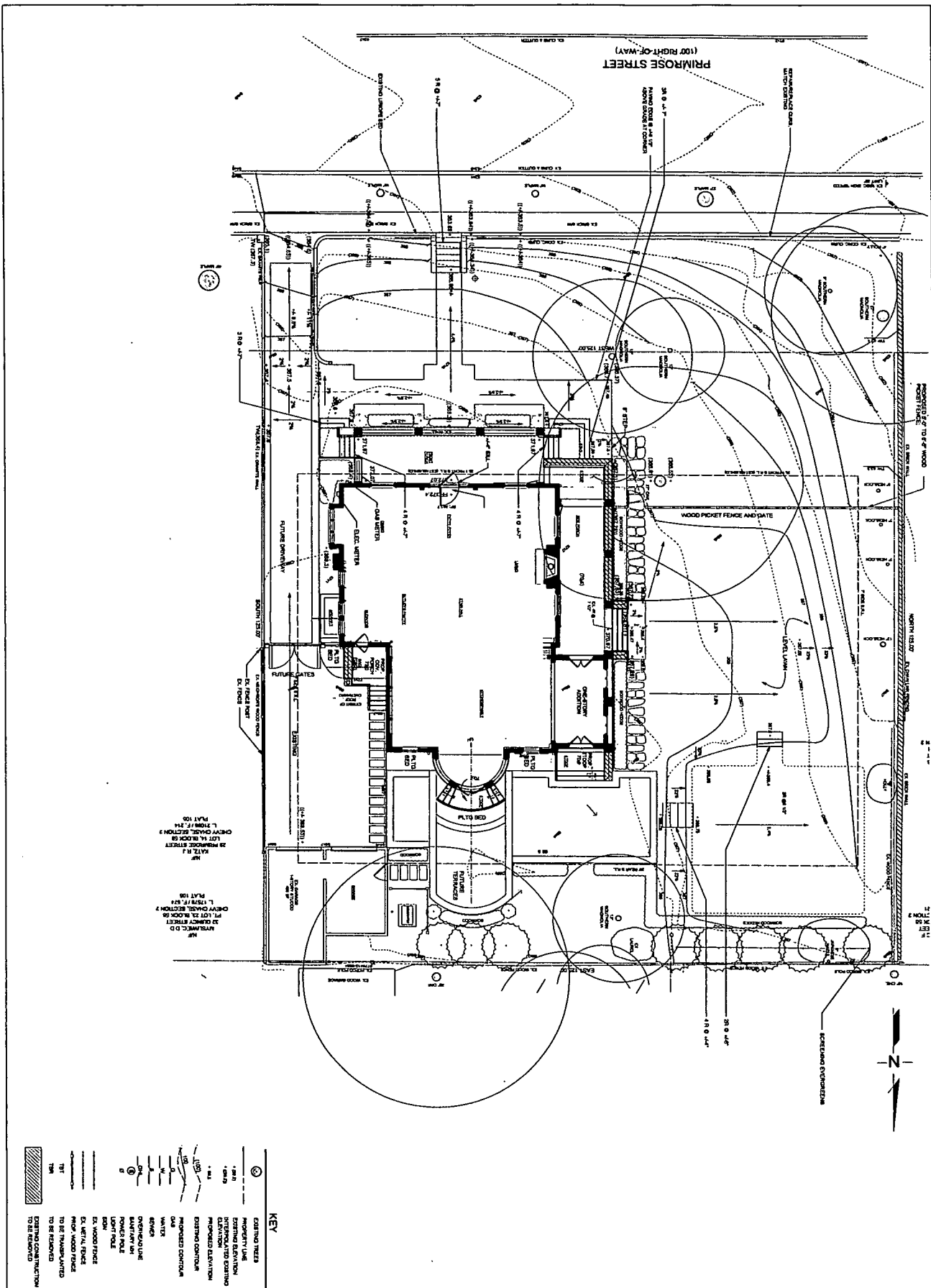
The proposed design integrates the owners' desire for increased safety, use and enjoyment of the property with the historic character of the house and its setting. We believe the modifications to the lower front porch "wing" walls would have minimal impact on the integrity of the historic house design. The proposed symmetrical shortening of the walls respects the original symmetrical design of the front porch walls. The proposed wrap around steps and shortened "wing" walls now graciously link the front porch with the garden setting for much greater usage and enjoyment of the property. The design of the east side steps which turn away from the driveway addresses the safety concerns. Front loading steps adjacent to the "wing" walls and visible from the street are more inviting than steps hidden behind walls. There would be a very positive impact on the relationship between the house and its garden setting and neighborhood setting as the house could now become part of the block, rather than be shut off from the block.



KEY

	EXISTING TREES
	PROPERTY LINE
	EXISTING ELEVATION
	PROPOSED ELEVATION
	EXISTING CONTOUR
	PROPOSED CONTOUR
	DRIVEWAY
	OVERHEAD LINE
	POWER POLE
	LIGHT POLE
	WOOD FENCE
	UTILITY FENCE
	WOOD FENCE TO BE REMOVED
	UTILITY FENCE TO BE REMOVED
	EXISTING CONSTRUCTION TO BE REMOVED

15



KEY

	EXISTING TREES
	PROPERTY LINE
	EXISTING ELEVATION
	PROPOSED ELEVATION
	EXISTING CONDITION
	PROPOSED CONSTRUCTION
	WATER
	DRIVEWAY
	OVERHEAD LINE
	SANITARY LINE
	POWER LINE
	SEWER LINE
	EX. WOOD FENCE
	EX. UTILITY FENCE
	WOOD FENCE TO BE REMOVED
	UTILITY FENCE TO BE REMOVED
	EXISTING CONSTRUCTION TO BE REMOVED

3 SCHEMATIC GRADING PLAN

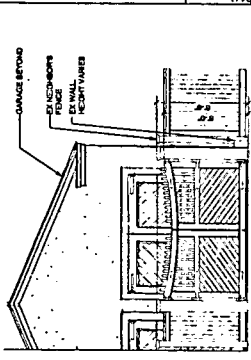
STERNHELL RESIDENCE
27 PRIMROSE STREET, CHEVY CHASE, MD 20815

LILA FENDRICK landscape architecture & garden design
6904 West Avenue Chevy Chase, Maryland 20815 (301) 907-7796



1 ELEVATION OF SOUTH SIDE FRONT ELEVATION
1/4" = 1'-0"

2 FULL GATE ELEVATION FRONT ELEVATION
1/4" = 1'-0"



2 FULL GATE ELEVATION FRONT ELEVATION
1/4" = 1'-0"



1. ELEVATION OF EAST SIDE
 5. SIDE ELEVATION
 SCALE: 1/4"=1'-0"

SELECT BLUE
 PLANTING LANDING
 GRADE AT FINISH TO MATCH
 DRIVEWAY (IN SET)

GRADE STAYING AT
 87.00 (FINISH)

REPLACE EXISTING LAMP
 WITH NEW 'NEW ORLEANS' LAMP
 WITH 'NEW ORLEANS' PATTERN
 COUNTER LIGHT

GRADE AT FINISH TO MATCH
 DRIVEWAY (IN SET)
 GRADE AT FINISH TO MATCH
 DRIVEWAY (IN SET)
 GRADE AT FINISH TO MATCH
 DRIVEWAY (IN SET)

17'-0" DEEP
 LANDING

12" x 12" LANTERNS
 APPROXIMATE
 OF WATER TOWER

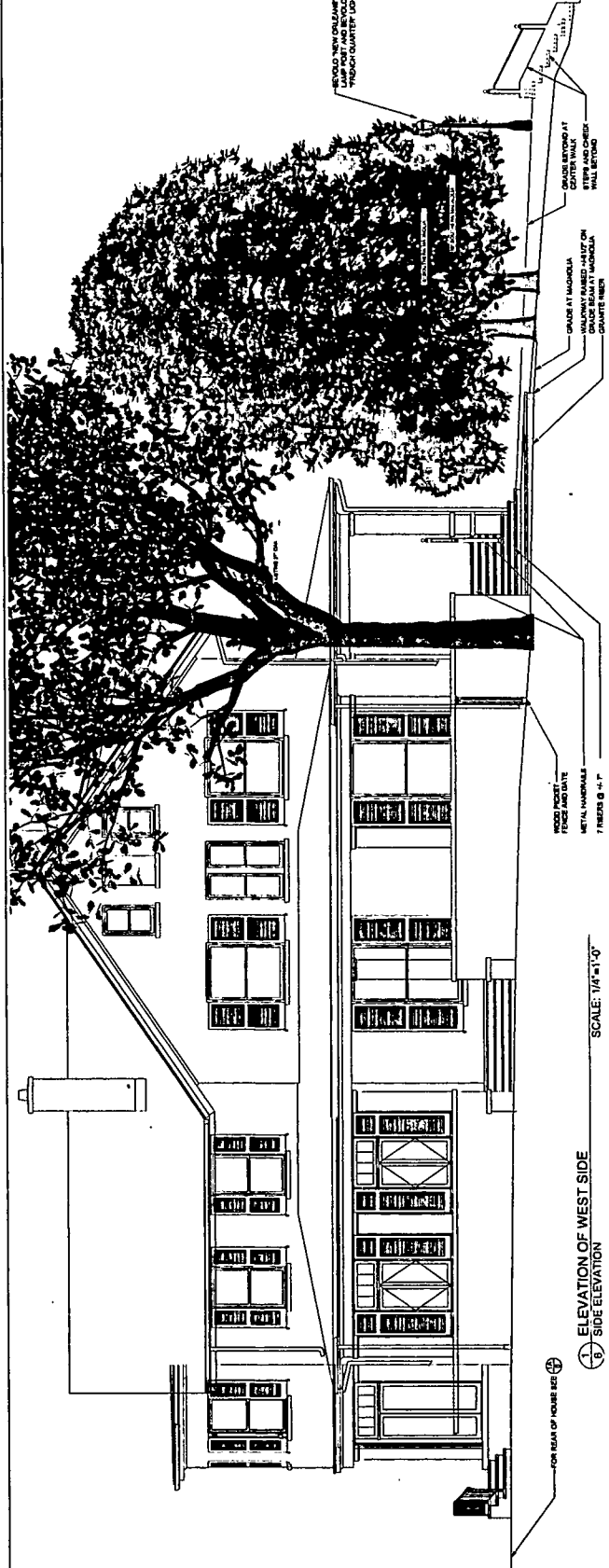
WALK TO HIRE
 SECTION

FENCE AND GATE

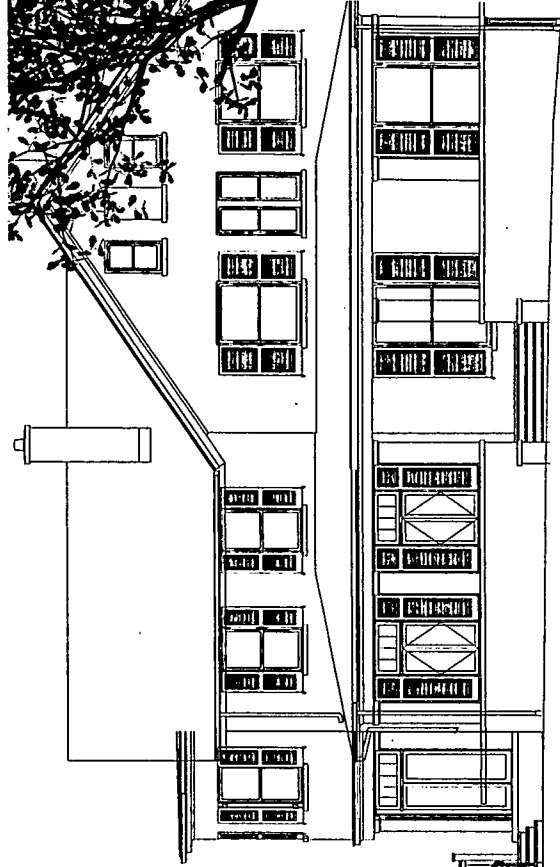
STERNHELL RESIDENCE

WEST ELEVATION
 SCALE AS NOTED

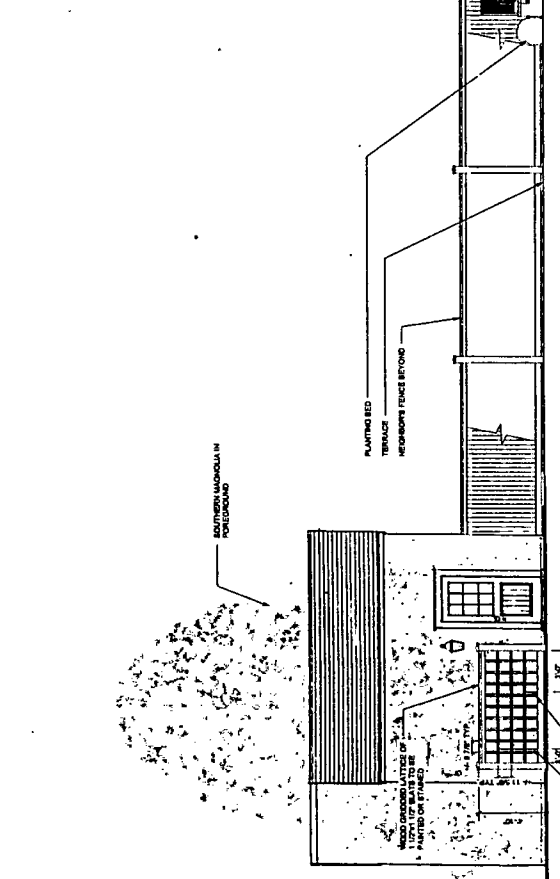
9



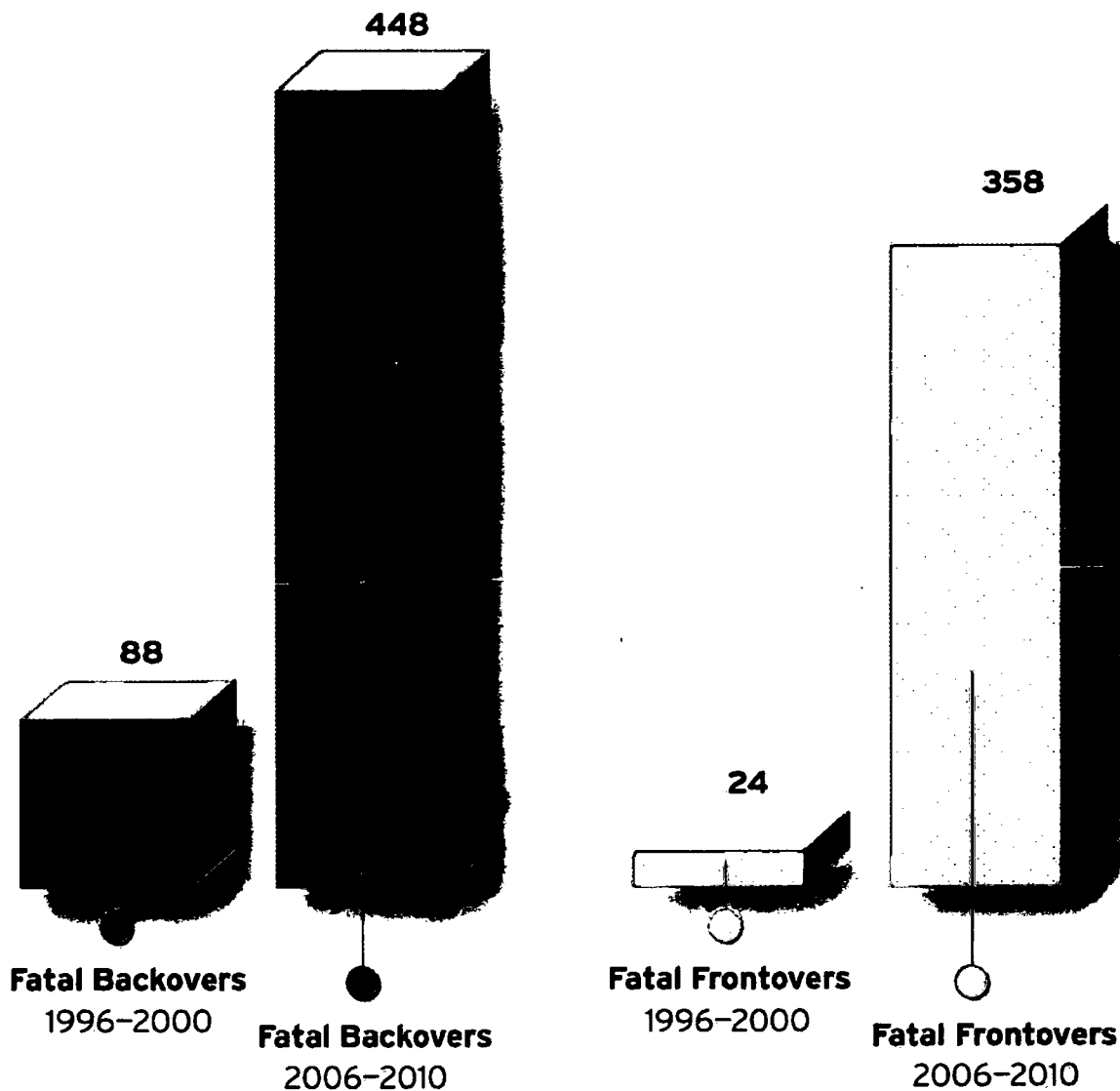
FOR REAR OF HOUSE SEE 8
ELEVATION OF WEST SIDE
 SIDE ELEVATION
 SCALE: 1/4"=1'-0"



ELEVATION OF WEST SIDE
 SIDE ELEVATION
 SCALE: 1/4"=1'-0"



LACK OF VISIBILITY CAUSES BACKOVER AND FRONTOVER FATALITIES TO CHILDREN



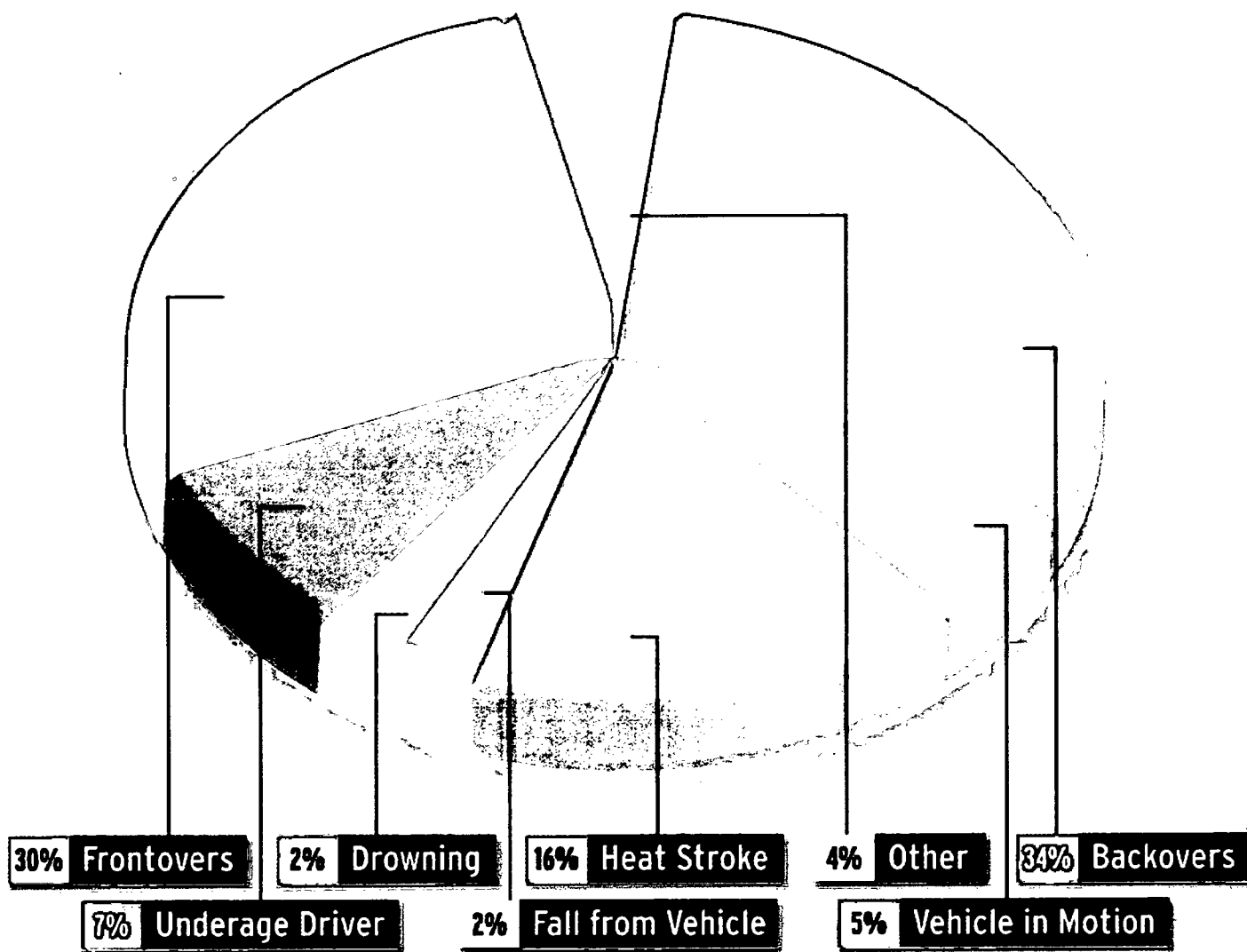
LOVE THEM, PROTECT THEM

www.KidsAndCars.org

Data Source: KidsAndCars.org

U.S. CHILD FATALITIES BY TYPE (2006 - 2010)

Nontraffic Fatalities Involving Children < 15 Years Old



LOVE THEM, PROTECT THEM

www.KidsAndCars.org

Data Source: KidsAndCars.org

9/22/2011

21



7532 Wyoming Street Kansas City, MO 64114 (816) 216-7085

Every year, thousands of children are hurt or die because a driver backing up didn't see them. These incidents for the most part take place in residential driveways or parking lots.

- The predominant age of victims are one year olds. (12-23 months)
- Over 60% of backing up incidents involved a larger size vehicle. (truck, van, SUV)
- Tragically, in over 70% of these incidents, a parent or close relative is behind the wheel.
- The Centers for Disease Control and Prevention 2/18/05 study reports over 2400 children are treated in hospital emergency rooms every year due a child being struck by or rolled over by a vehicle moving in reverse.

In the U.S. fifty children are being backed over by vehicles EVERY week. Forty-eight (48) are treated in hospital emergency rooms and at least two (2) children are fatality injured every WEEK.

Because we are driving larger, longer and higher vehicles we are seeing many more backover incidents. This problem is only going to get worse unless we work for better visibility behind the vehicles we drive. The government is currently working on a rear visibility standard that will be required of all motor vehicles sold or leased in the U.S. The National Highway Traffic Safety Administration has released a proposed rear visibility standard that would require all motor vehicles sold or leased in the U.S. come equipped with backup cameras by the year 2014. The rear visibility standard will be finalized by the end of year 2011.

Education and awareness of backovers will continue to be critical for years to come, despite the fact that new vehicles will all have backup cameras by 2014. That's because there are millions of older-model vehicles being driven that do not have this technology.

KidsAndCars.org urges all adults to heighten their awareness before they engage a vehicle into reverse; especially when children are present. Young children are impulsive and unpredictable; still have very poor judgment and little understanding of danger. In addition, young children do not recognize boundaries such as property lines, sidewalks, driveways or parking spaces. Toddlers have established independent mobility between the ages of 12-23 months, but the concept of personal safety is absent. Backovers are often the predictable consequence of a child following a parent into the driveway and standing behind their vehicle without their parent's knowledge.

Backovers can happen in ANY vehicle because all vehicles have a blind zone; the area behind a vehicle you cannot see from the driver's seat. The danger tends to increase with larger vehicles. It's always best to look carefully behind the vehicle before you get in and again before you put the car in gear to back up. Remember to back up slowly, and pay attention to your mirrors.



7532 Wyoming Street Kansas City, MO 64114 (816) 216-7085

KidsAndCars.org recommendations to keep children safe include:

- Walk around and behind a vehicle prior to moving it.
- Know where your kids are. Make children move away from your vehicle to a place where they are in full view before moving the car and know that another adult is properly supervising children before moving your vehicle.
- Teach children that “parked” vehicles might move. Let them know that they can see the vehicle; but the driver might not be able to see them.
- Consider installing cross view mirrors, audible collision detectors, rear view video camera and/or some type of back up detection device.
- Measure the size of your blind zone (area) behind the vehicle(s) you drive. A 5-foot-1-inch driver in a pickup truck can have a rear blind zone of approximately 8 feet wide by 50 feet long.
- Be aware that steep inclines and large SUV’s, vans and trucks add to the difficulty of seeing behind a vehicle.
- Hold children’s hand when leaving the vehicle.
- Teach your children to never play in, around or behind a vehicle and always set the emergency brake.
- Keep toys and other sports equipment off the driveway.
- Homeowners should trim landscaping around the driveway to ensure they can see the sidewalk, street and pedestrians clearly when backing out of their driveway. Pedestrians also need to be able to see a vehicle pulling out of the driveway.
- Never leave children alone in or around cars; not even for a minute.
- Keep vehicles locked at all times; even in the garage or driveway.
- Keys and/or remote openers should never be left within reach of children.
- Make sure all child passengers have left the car after it is parked.
- Be especially careful about keeping children safe in and around cars during busy times, schedule changes and periods of crisis or holidays.

These precautions can save lives. For additional information visit www.KidsAndCars.org



7532 Wyoming Street Kansas City, MO 64114 (816) 216-7085

KidsAndCars.org Recommendations to Keep Children Safe:

Every year, thousands of children are hurt or die because a driver moving forward very slowly didn't see them. These incidents for the most part take place in residential driveways or parking lots and are referred to as 'frontovers.' (the opposite of a backover)

- The National Highway Traffic Safety Administration January 2009 report (DOT HS 811 085) states that 'other' (not a backover) non-occupant nontraffic crashes are responsible for 393 deaths and 20,000 injuries per year.
- The predominant age of victims is one year olds. (12-23 months)
- Over 80% of "frontover" incidents involved a larger size vehicle. (truck, van, SUV)
- Tragically, in over 70% of these incidents, a parent or close relative is behind the wheel.

KidsAndCars.org urges all adults to heighten their awareness before they engage a vehicle into gear to move forward slowly; especially when children are present. Young children are impulsive and unpredictable; still have very poor judgment, and little understanding of danger. In addition, young children do not recognize boundaries such as property lines, sidewalks, driveways or parking spaces. Toddlers have established independent mobility between the ages of 12-23 months, but the concept of personal safety is absent. Frontovers are often the predictable consequence of a child following a parent into the driveway without their knowledge.

Frontovers can happen in any vehicle because all vehicles have a blind zone; the area in front of a vehicle where you can't see from the driver's seat. The danger tends to increase with larger vehicles. In general the blindzone in front of vehicles ranges from 6-8 feet.

It's always best to look carefully all the way around your vehicle before you get in and again before you put the car in gear. Remember to move forward slowly, and pay attention to children who may be running into the path of your vehicle.



7532 Wyoming Street Kansas City, MO 64114 (816) 216-7085

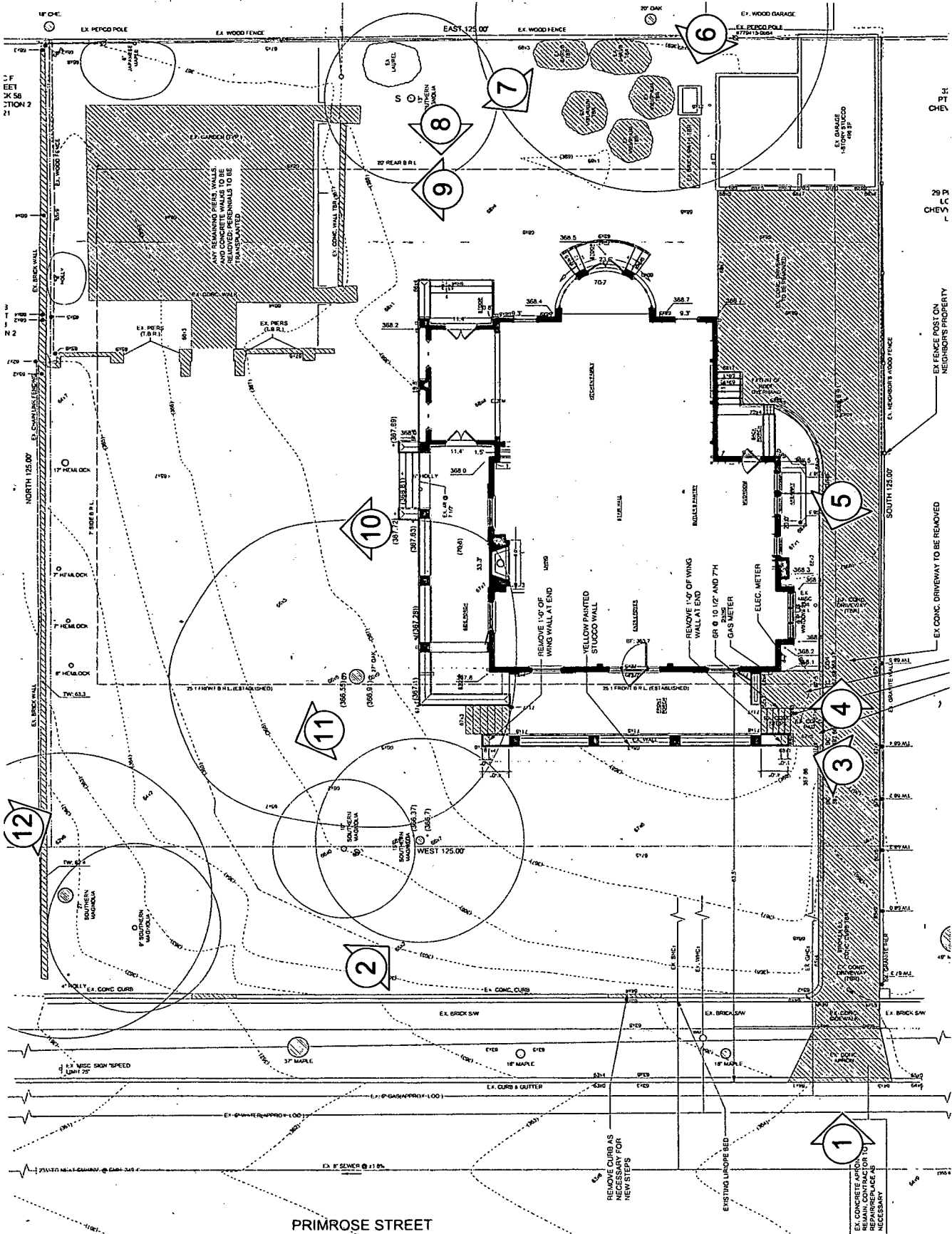
KidsAndCars.org recommendations to keep children safe include:

- Walk completely around and behind a vehicle prior to moving it.
- Know where your kids are. Make children move away from your vehicle to a place where they are in full view before moving the car and know that another adult is properly supervising children before moving your vehicle.
- Teach children that “parked” vehicles might move. Let them know that they can see the vehicle; but the driver might not be able to see them.
- Consider installing cross view mirrors, audible collision detectors, rear view video camera and/or some type of front sensor detection device.
- Measure the size of your blind zone (area) in front of the vehicle(s) you drive. Many drivers cannot see a young child 6-8 feet in front of larger vehicles.
- Be aware that steep inclines and large SUV’s, vans and trucks add to the difficulty of seeing around a vehicle.
- Hold children’s hand when leaving the vehicle.
- Teach your children to never play in or around a vehicle.
- Keep toys and other sports equipment off the driveway.
- Homeowners should trim landscaping around the driveway to ensure they can see the sidewalk, street and pedestrians clearly when backing out or entering their driveway. Pedestrians also need to be able to see a vehicle pulling out of the driveway.
- Never leave children alone in or around cars; not even for a minute.
- Keep vehicles locked at all times; even in the garage or driveway and always set your parking brake.
- Keys and/or remote openers should never be left within reach of children.
- Make sure all child passengers have left the car after it is parked.
- Be especially careful about keeping children safe in and around cars during busy times, schedule changes and periods of crisis or holidays.

These precautions can save lives.

For additional information, visit the KidsAndCars.org website at www.KidsAndCars.org

photo key



PRIMROSE STREET

Existing Property Condition Photographs (duplicate as needed)

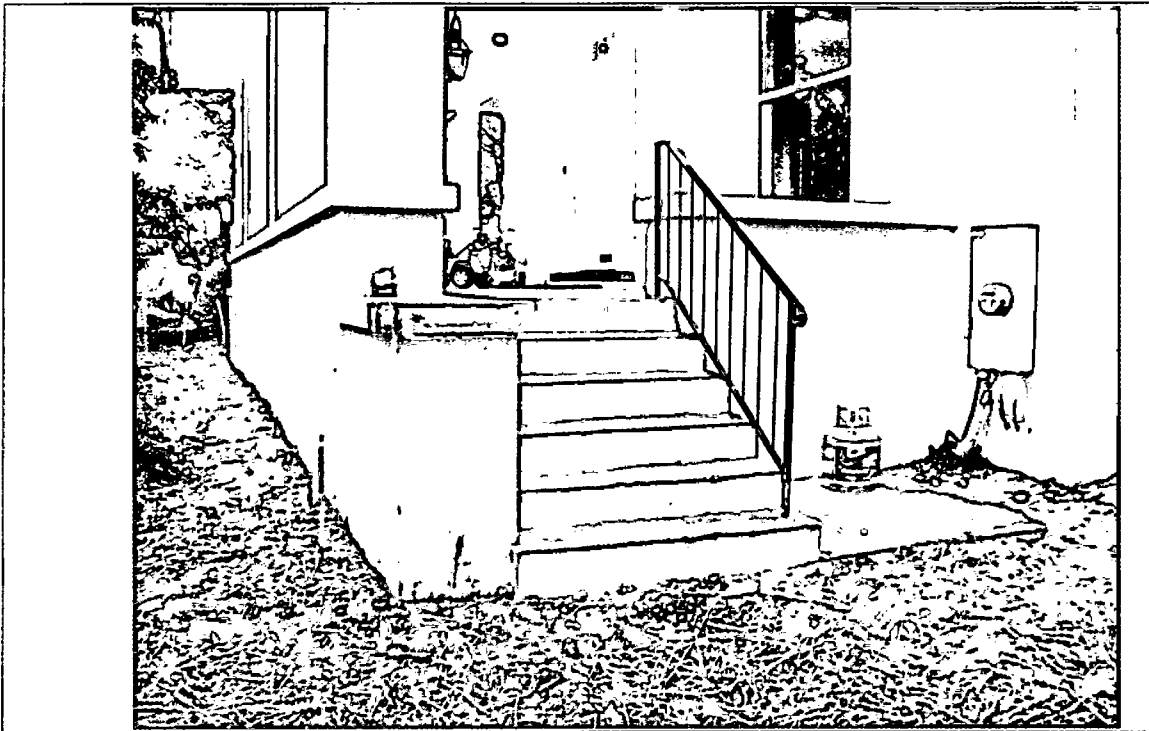


Detail: 1. Existing Driveway viewed from Primrose Street

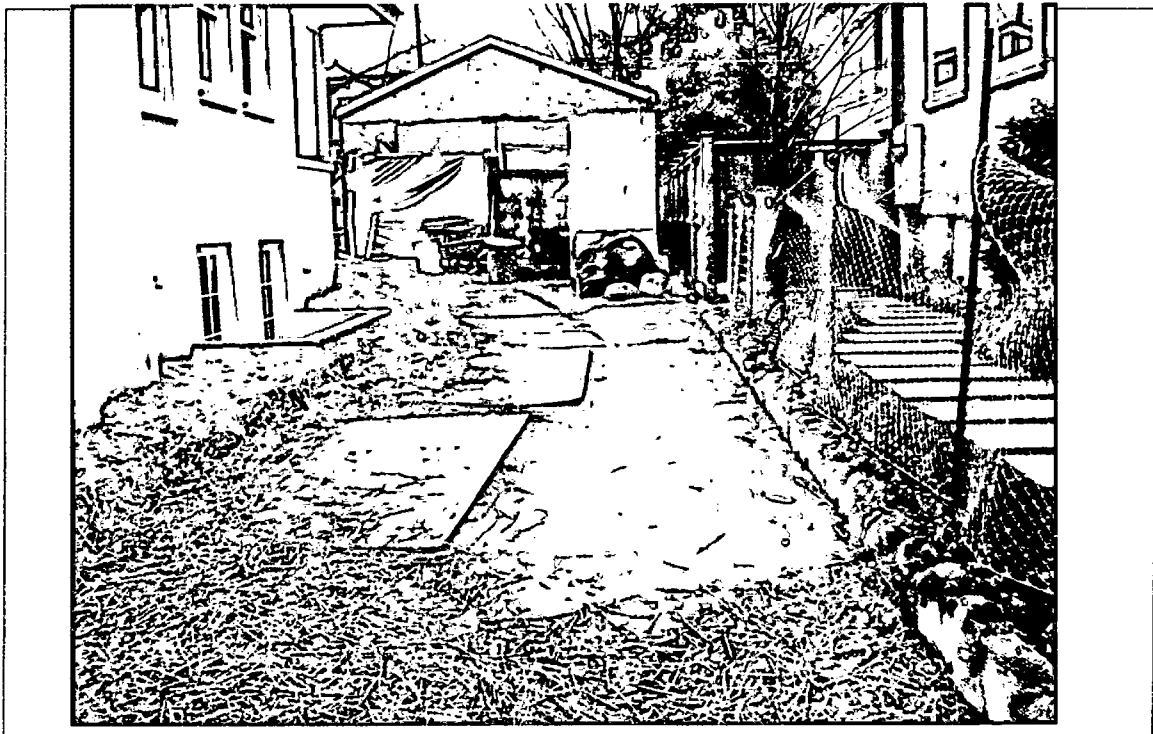


Detail: 2. View of House from Primrose Street

Existing Property Condition Photographs (duplicate as needed)



Detail: 3. View of existing steps East side

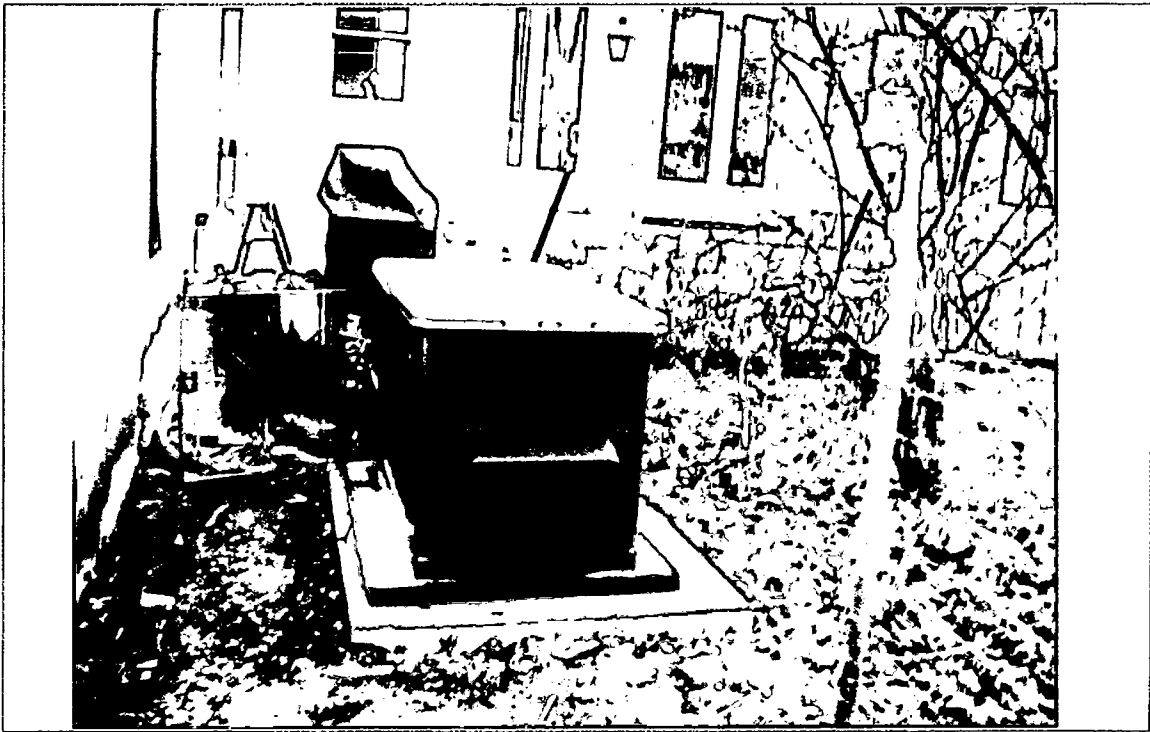


Detail: 4. Ex. driveway on East side

Existing Property Condition Photographs (duplicate as needed)



Detail: 5. Existing Driveway viewed from East side property line



Detail: 6. View of Generator from North side property line

Existing Property Condition Photographs (duplicate as needed)

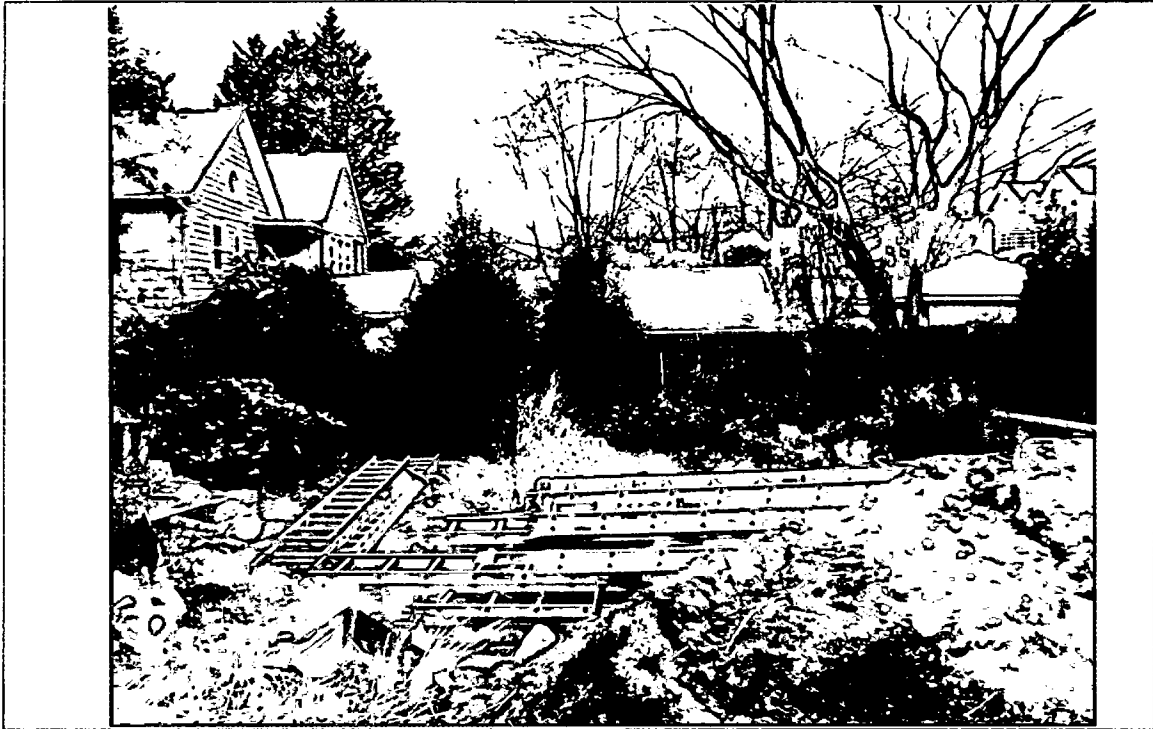


Detail: 7. View from North property line



Detail: 8. View from North property line

Existing Property Condition Photographs (duplicate as needed)



Detail: 9. View from house towards West fence



Detail: 10. View from house towards West fence

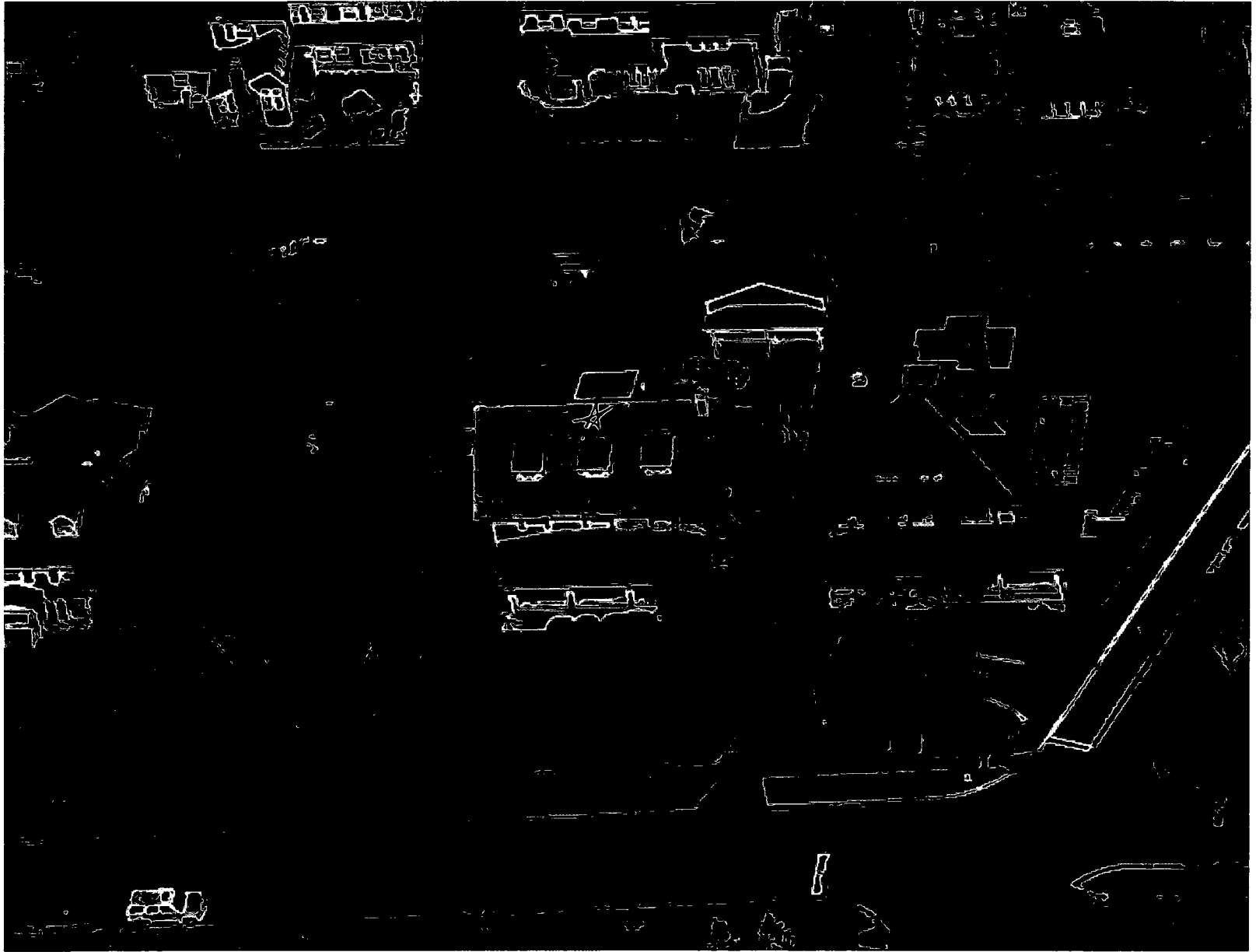
Existing Property Condition Photographs (duplicate as needed)



Detail: 11. View from house towards West fence



Detail: 12. View from West side neighbor



(c) Copyright 2008, Pictometry International

33
~~31~~
40



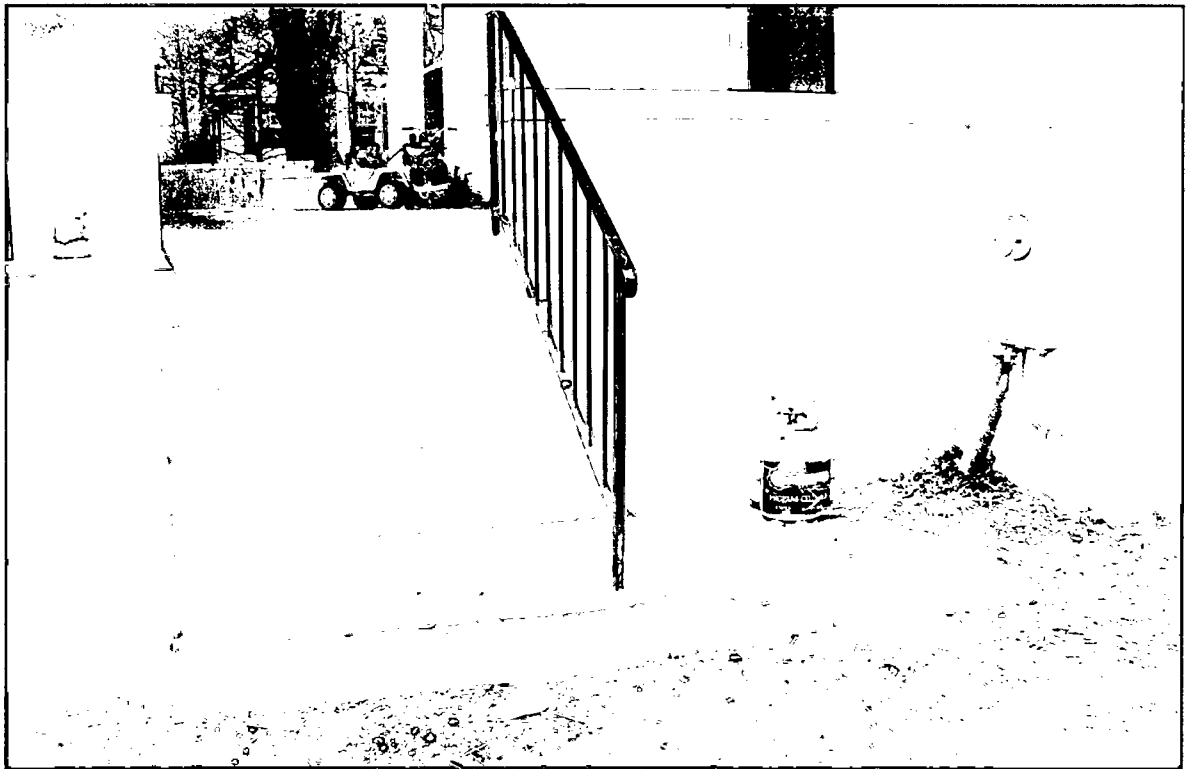
31
30



35
~~28~~



36
~~27~~







MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	27 Primrose Street, Chevy Chase	Meeting Date:	2/27/13
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	2/20/13
Applicant:	Kristy and Alex Sternhell (Lila Fendrick, Landscape Architect)	Public Notice:	2/13/13
Review:	Preliminary Consultation	Tax Credit:	No
Case Number:	N/A	Staff:	Anne Fothergill

PROPOSAL: Alterations to front porch and stairs and widening of driveway

STAFF RECOMMENDATION

Staff recommends that the HPC provide clear guidance to the applicants on whether the Commission finds that the proposal meets the applicable review criteria.

PROPERTY DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Village Historic District
STYLE: Craftsman
DATE: 1909

BACKGROUND

In 2012 the applicants applied for a Historic Area Work Permit to alter the original front porch of the subject house by removing a span of the front porch wall and constructing centered front-loading stairs. The HPC denied this application and the applicants appealed the decision. The Board of Appeals upheld the HPC's decision to deny the front-loading stairs but allowed the applicants to remove the east side stairs and close off the east side access to the porch to remedy their safety concern. The proposed plans that were denied by the HPC are in Circles 42-53. More information about the Board of Appeals decision can be found in the Staff Discussion section in Circle 4.

PROPOSAL

The applicants are proposing to alter the side-loading steps and wing walls of the front porch as shown in Circles 14-19. The 4' wing walls would be shortened one foot on both sides to 3' long walls and the porch steps would be reconfigured and reoriented on both sides. On the east (right) side there would be four steps to a landing where the direction changes and there would be three steps facing the street. The applicants would install a metal guard rail on the east and north sides of the porch steps. On the west side the wing wall would also be shortened to three feet and there would be four steps to a landing. At the landing three steps would come out both facing the street and to the west.

Note: This proposal requires a variance from the Village Board because Chevy Chase Village requires a variance because the proposed changes to the house are located forward of the 25' front BRL. It is staff's

understanding that the Village Board will review this variance request on March 18, 2013, but the Board requested that the applicants determine whether the HPC supports the proposal before they review it. If the Village Board approves the variance, the applicants will return to the HPC with a HAWP application on March 27, 2013.

The applicants also propose to widen the driveway from approximately 8'6" to 10' wide at the front and then 11'2" beyond the BRL; driveway will be exposed aggregate concrete with a granite cobblestone border.

See existing, approved, and proposed plans in Circles 14-19 and photos of existing conditions in Circles 26-39.

A historic photo of the house is in Circle 40.

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* state:

Additional basic policies that should be adhered to include:

- Preserving the integrity of contributing structures in the district. Alterations to contributing structures should be designed in such a way that the altered structure still contributes to the district.
- 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.

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:

Driveways should be subject to strict scrutiny only with regard to their impact on landscaping, particularly mature trees. In all other respects, driveways should be subject to lenient scrutiny. Parking pads other paving in front yards should be discouraged.

Porches should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. Enclosures of existing side and rear porches have occurred throughout the Village with little or no adverse impact on its character, and they should be permitted where compatibly designed.

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:

- # 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.

STAFF DISCUSSION

As noted in the Background section on page one, the applicants previously applied for HPC approval to alter the front porch of this house by removing a section of the porch's front wall and constructing centered, front-loading steps. In the review of that HAWP application as well as the appeal of the HPC's decision, both the HPC and the Board of Appeals determined that the original form of the front porch with the two sets of side-loading stairs was a character-defining feature of this house.

In making its decision, the Board of Appeals found that:

- the historic house on the subject Property, with its horizontal nature, low roof, wide eaves, and massive squared porch posts, is a prairie-style house, and that having an obscured entrance is part of the prairie style.
- the historic photo of this home... indicates that this particular home has historically had a side-loading porch.
- the side-loading front porch is an unusual and a character-defining feature of this historic home.
- because the Appellants' proposed construction would substantially alter the character-defining front porch and would lessen the integrity of this resource, such a proposal is 'inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district...

In terms of the safety concern that the applicants raised regarding the east side stairs and the driveway, the Board of Appeals found that while "there are numerous ways in which an attentive driver could avoid a conflict at the point on the driveway closest to the east-side stairs, such as watching out of the side view mirror, stopping on the driveway to make sure no one is coming down the stairs, parking in the driveway before the point at which it goes behind the house, and parking on the street, and that there are undoubtedly also many ways in which the east-side porch stairs could be blocked so that they cannot be used, the Board does appreciate that there may still be times when a driver could be surprised by a child bounding down the stairs."

Citing Section 24A-8(b)(4), the Board of Appeals allowed the applicants to remove the east side steps and install a permanent planter across the east side of the porch to enclose the porch so as to mitigate the safety hazard of someone walking down the east side steps into the driveway. The Board of Appeals upheld the HPC's decision to deny "the Applicants' request to remove and enclose the west-side porch stairs, since such actions are not 'necessary' in order that unsafe conditions of health hazards be remedied." The Board of Appeals' written decision is in Circles 54-78.

The applicants can now make the change that was approved by the Board of Appeals and resolve their safety concerns by blocking off the east side porch access and removing the east side stairs. They would need to submit a design to the HPC staff reflecting the Board of Appeals' decision and that would be stamped for permitting. However, the applicants have returned to the HPC with a new proposal for changes to the front porch. In order to do what they are proposing, the applicants need a variance from Chevy Chase Village and the Village Board has asked the HPC to do a preliminary review of the proposal and transmit their recommendation prior to the Board's review.

If the applicants want to retain the east side access to the porch and have stairs on the east side, as their current proposal indicates, staff would support the installation of the proposed metal guard rail on the north and east sides of the stairs to keep people from walking off the porch straight into the driveway to address

the safety concern. The applicants could install a guard rail while leaving the current porch stairs and wing wall intact, which would be a compatible installation that would be in keeping with the applicable guidelines.

The applicants do want to retain the porch access on the east side with the addition of a guard rail but they are proposing to shorten the wing wall and reconfigure the steps with a landing and then turn the steps toward the street. The HPC should determine whether the proposed change to the side-loading steps substantially alters that character-defining feature of the house. The Commission will need to determine if these alterations are in keeping with the applicable guidelines while recognizing that the Board of Appeals allowed significant changes to this side of the porch.

The HPC may find that the proposed changes at the east side—shortening the wing wall by one foot and altering and reorienting the steps—is a reasonable solution to the safety concern that is in the spirit of the Board of Appeals decision. If that is the case, the HPC should provide guidance to the applicants on whether they support the proposed design or a revised version. The HPC may allow the east side changes to resolve the safety concern but not support any changes to the west side where there is not a safety concern.

The applicants have not provided a safety concern or other compelling reason to shorten the original wing wall on the west side and make alterations to those steps. While the west side steps have been altered from their original design, the west side wing wall has been retained and preserved. In general, staff recommends against changes to prominent, original features on the front façade of a historic house and staff finds that this is an incompatible change that would lessen the integrity of the character-defining front porch and the historic resource.

The Commission may find in evaluating this proposal that the porch steps will still be considered side-loading since the east and west sides will remain the access points to the porch. The HPC may find that the prominent, long expanse of wall across the front porch will be retained and that the lower, shorter wing walls are not as significant as the main wall across the front of the porch, and that even when the wing walls are shortened the longest wall span will remain intact. If that is the case, the Commission may find that the proposed alterations do not significantly alter the porch's form and its character-defining features and do not significantly reduce the integrity of the historic resource. If the HPC supports the applicants' proposal in full, the applicants can proceed with the variance and permitting process.

Staff supports the widening of the driveway and the new material for the driveway as approvable changes. However, it is unclear if widening the driveway would mean that there isn't enough space to use the east side stairs in their existing condition and thus would require the changes to the east side steps and wing wall as proposed. If the driveway widening does necessitate changes to the east side stairs and if the Commission does not support the proposed changes to the east side of the porch and stairs, the applicants could keep the driveway narrow in that location and widen it elsewhere.

Using all of the applicable guidelines, the HPC needs to determine whether the proposed alterations to the front porch of this house will substantially alter its form and will adversely impact its architectural character and historic integrity and whether the proposed changes would be inappropriate and inconsistent with this historic resource and the review criteria.

STAFF RECOMMENDATION

Staff recommends that the Commission provide the applicants with very clear guidance on whether they find this proposal meets the applicable guidelines so that the applicants know how to proceed with their variance application. If the majority of the HPC does not support this plan or supports a different plan than

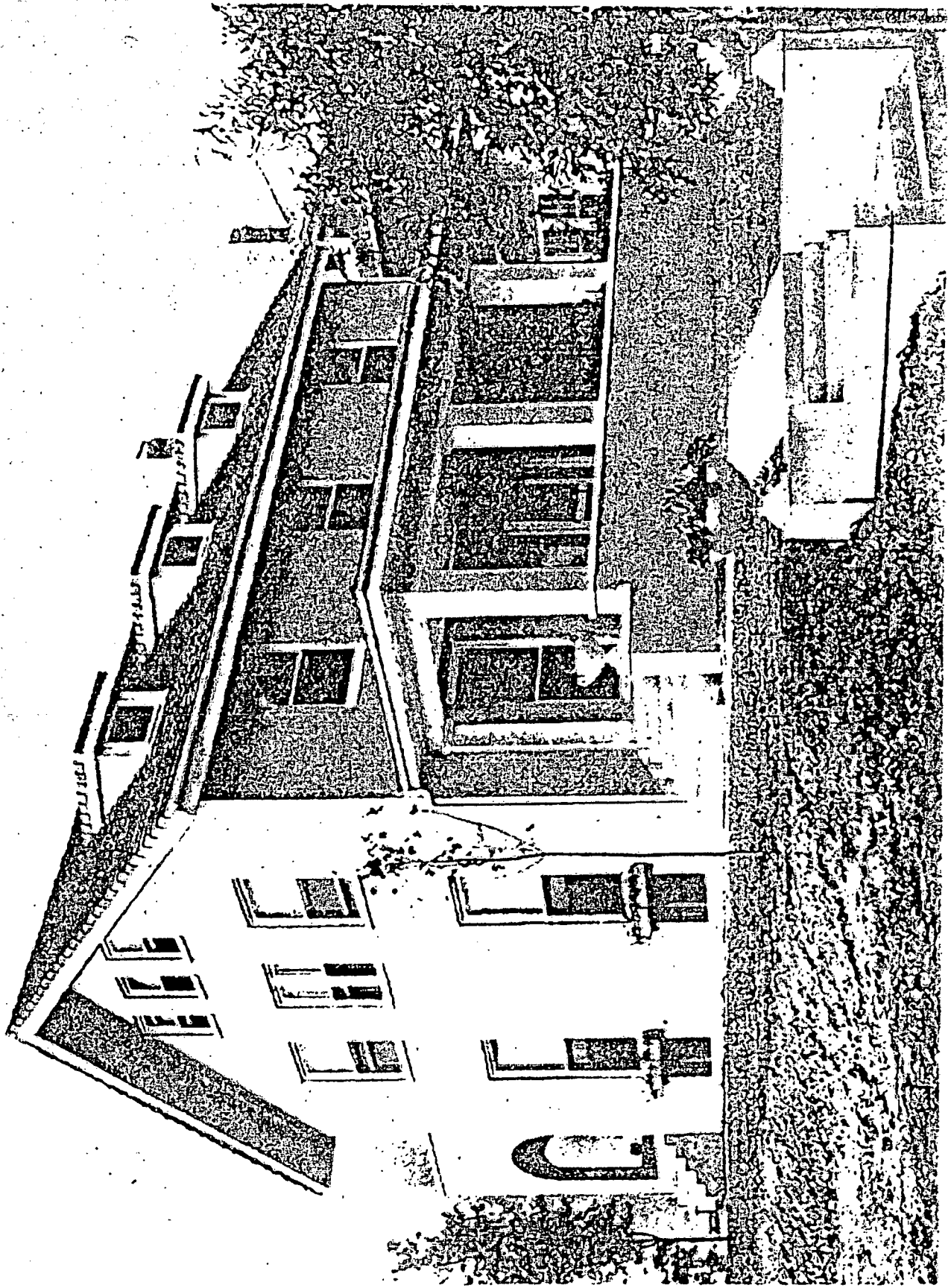
the applicants' proposal, that guidance should be provided to the applicants.

The HPC should provide clear guidance on the following proposed changes as shown in the plans:

1. Install the metal guard rail at the east side
2. Alter the east side steps and wing wall
3. Alter the west side steps and wing wall
4. Widen and make other changes to the driveway

Staff will convey the HPC's recommendation to the Village Board prior to the variance review.

taken prior to 1926

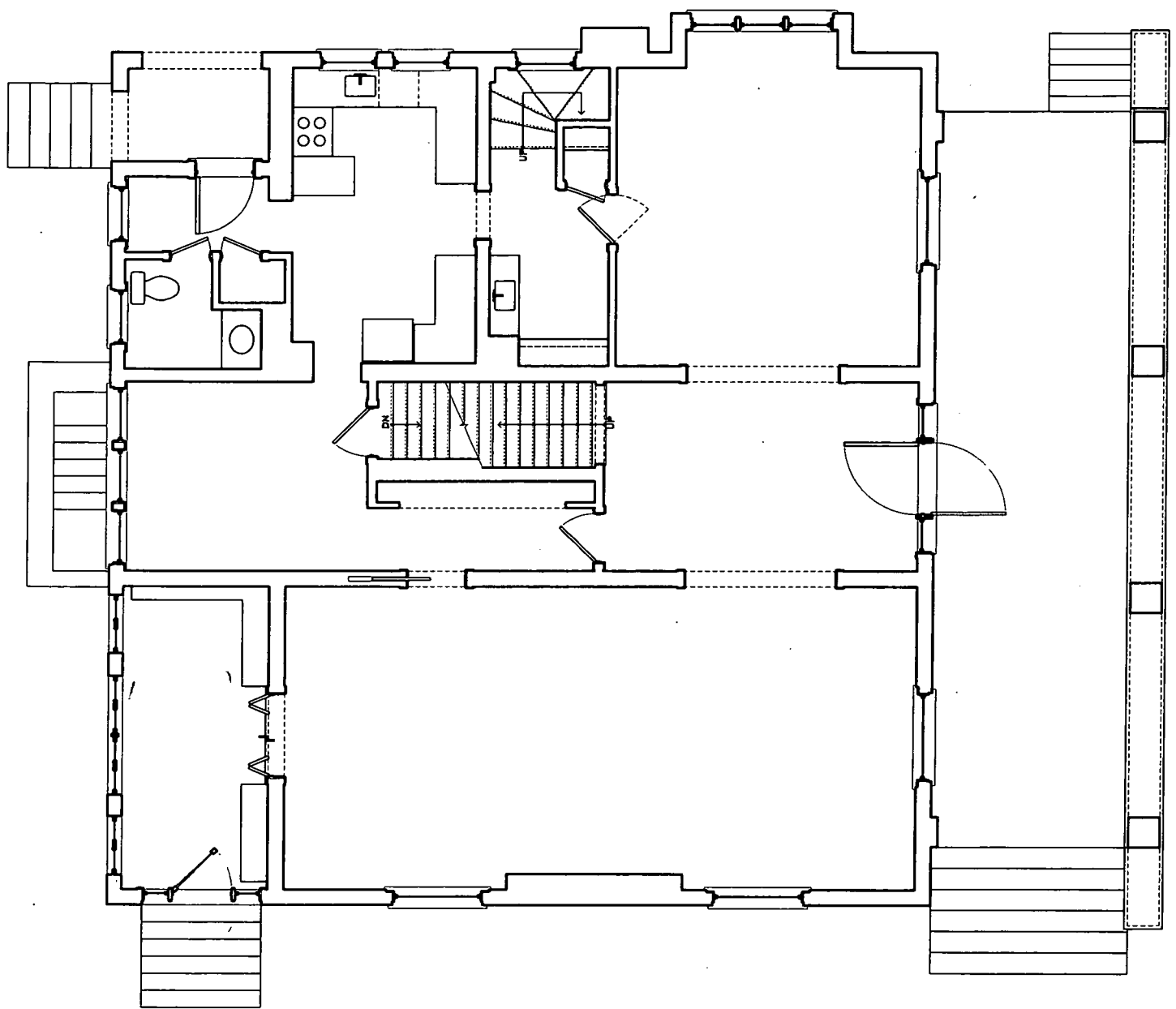


Residence at Chevy Chase, Maryland. Michael Heister, Washington, Architect and Owner.

40
~~30~~
~~54~~
82

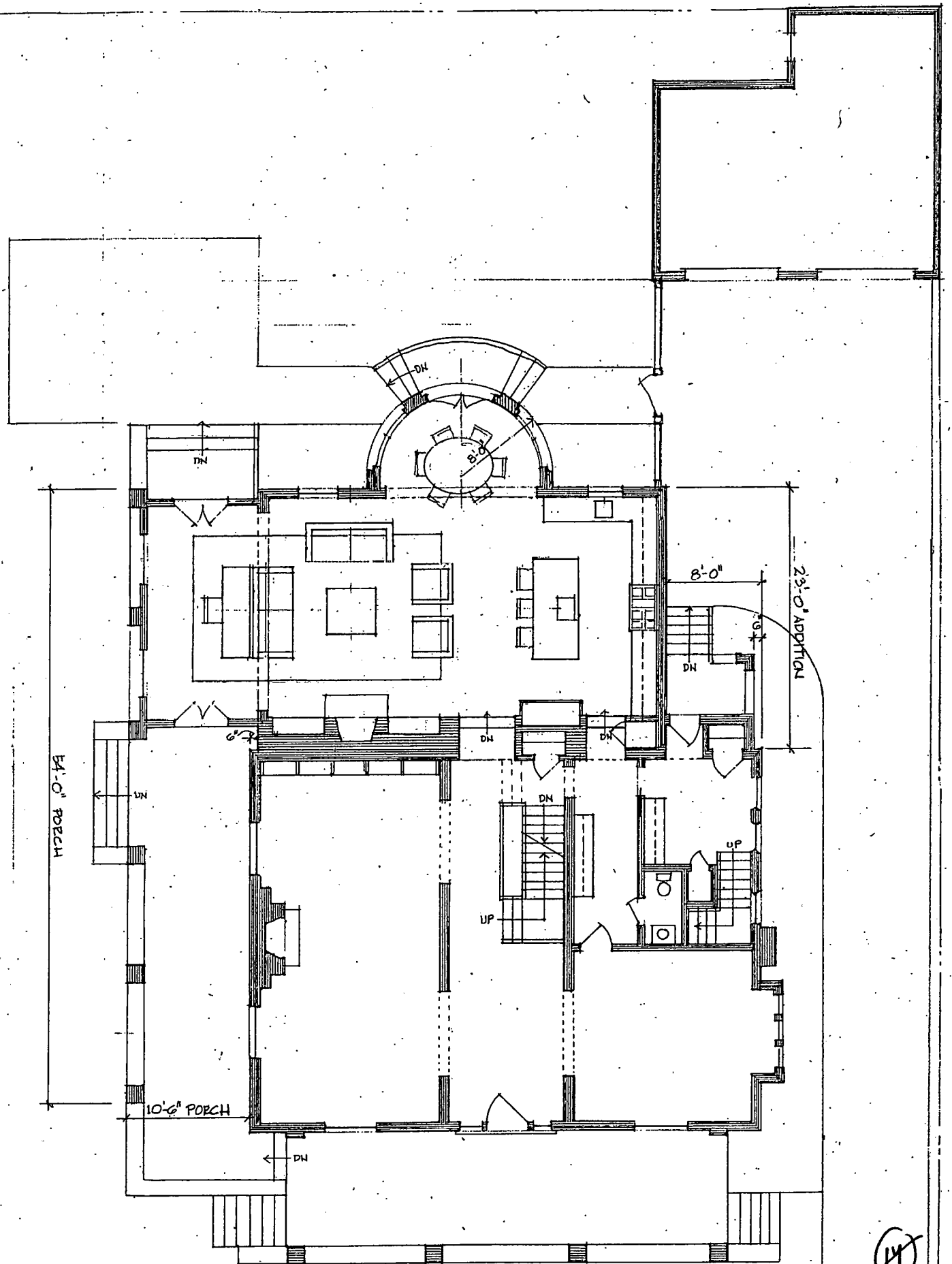
Plans for the previous Historic Area Work Permit application that was denied by the HPC and appealed to the Board of Appeals and the Board of Appeals decision are in Circles 42-78.

20



A Existing front porch

42 13



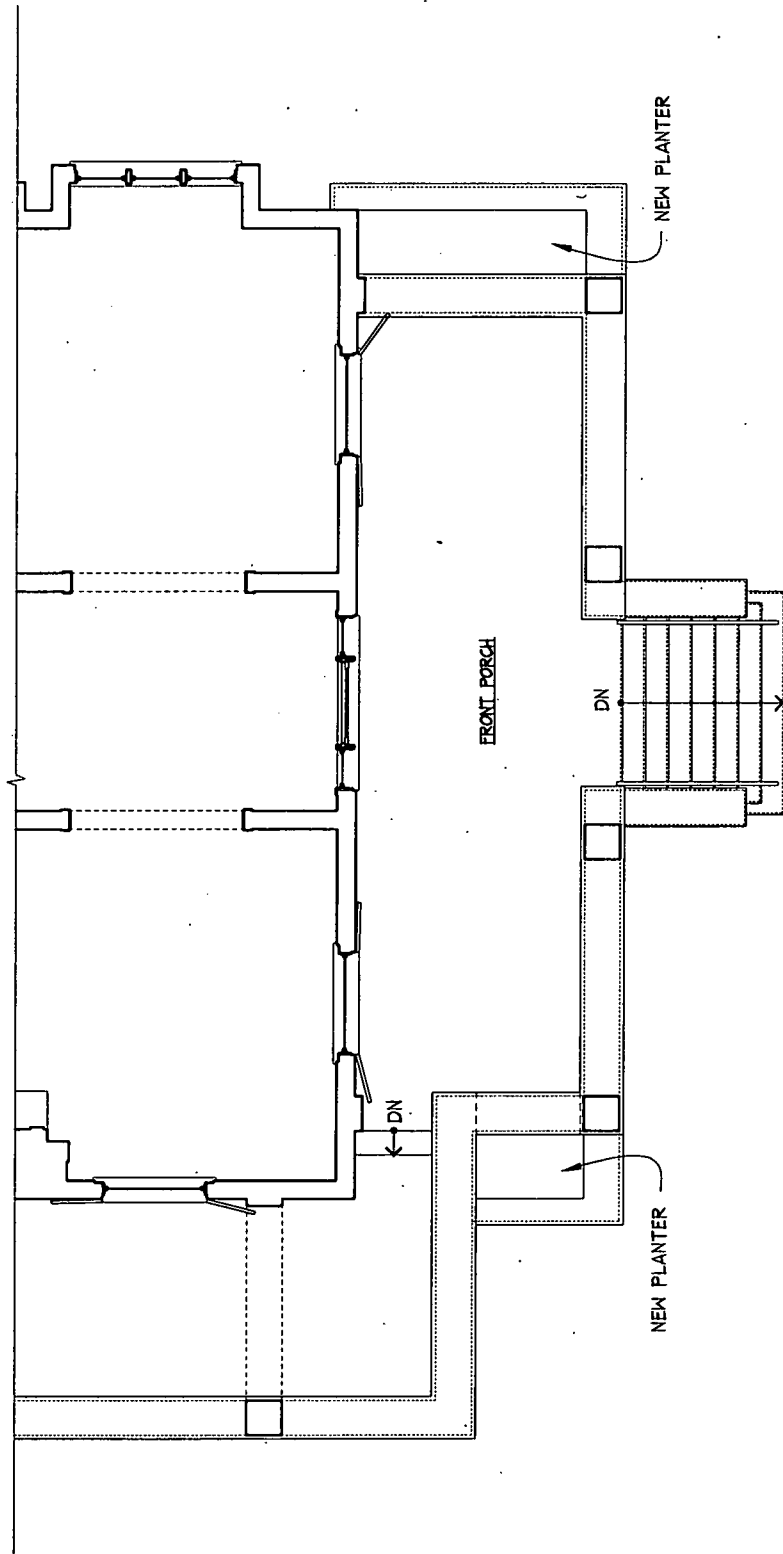
Approved by MPC

STERNHELL RESIDENCE • 1ST FLOOR @ 1/8"=1'-0" • DAVID JONES ARCHITECTS

3-18-11
REVISED 5.2.11

~~14~~
~~71~~

43



DAVID JONES ARCHITECTS

PARTIAL PLAN

STERNHELL RESIDENCE

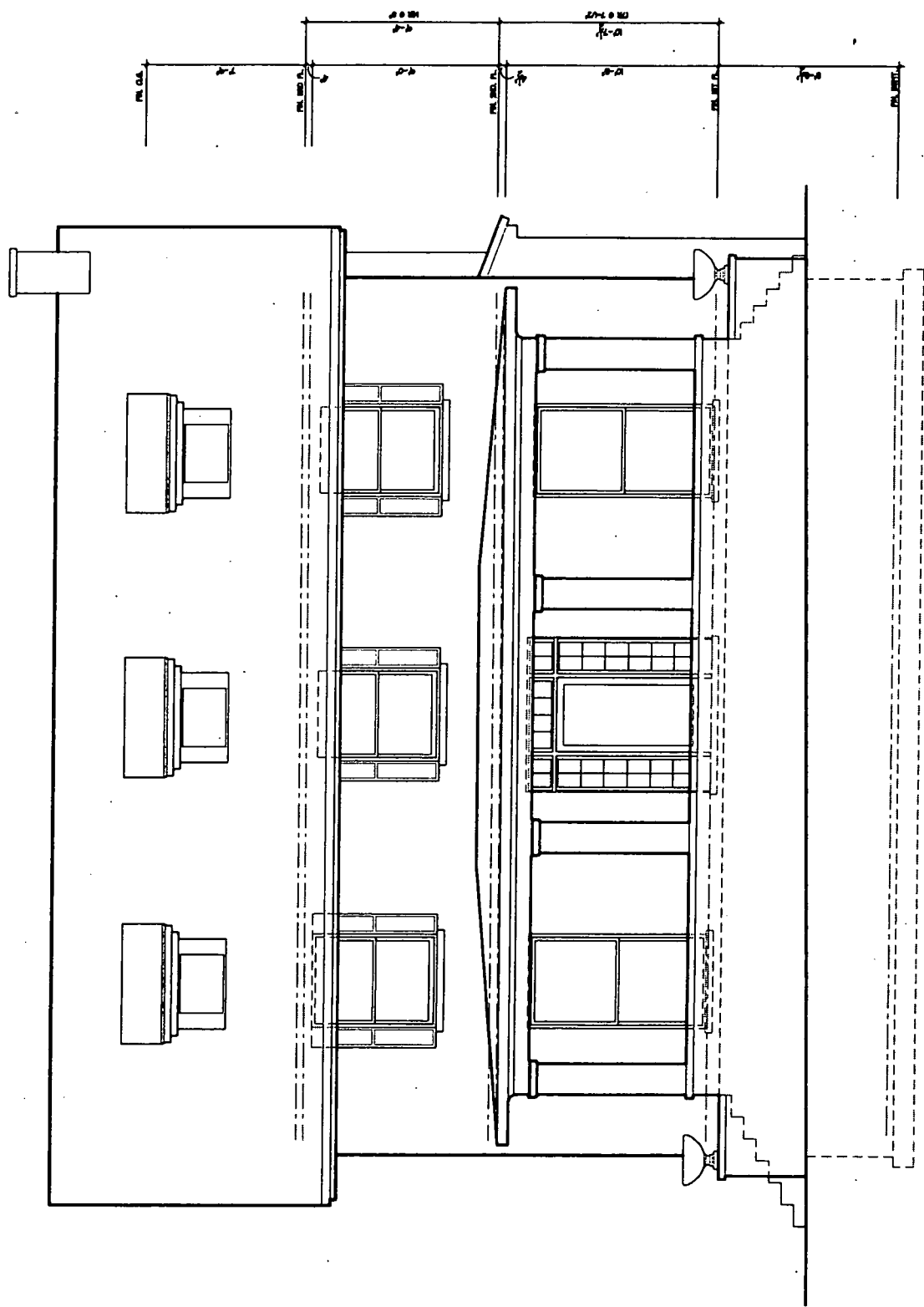
1/8" = 1'-0"

6 MARCH 2012

proposed revision

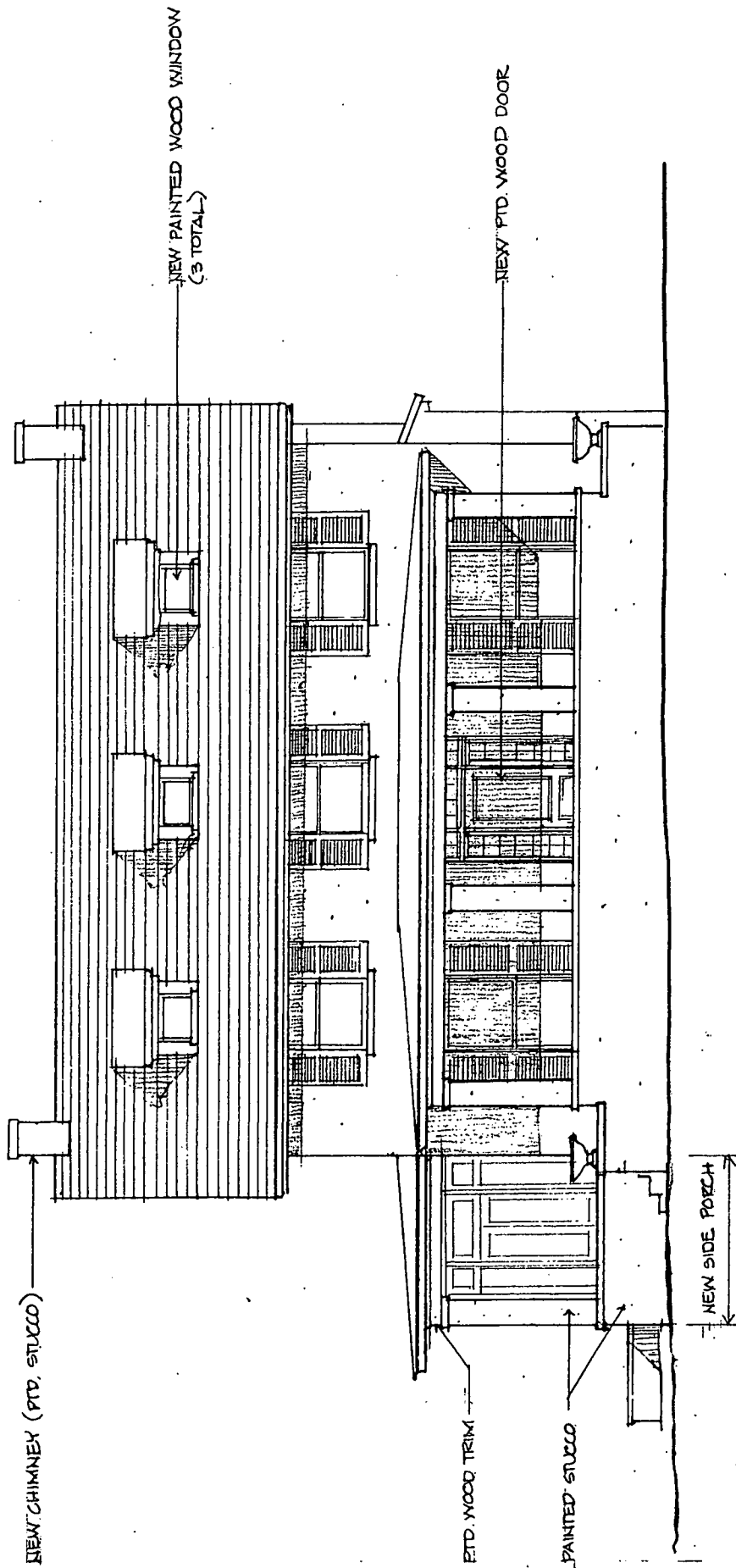
45
15

DATE:



Existing

46
~~42~~

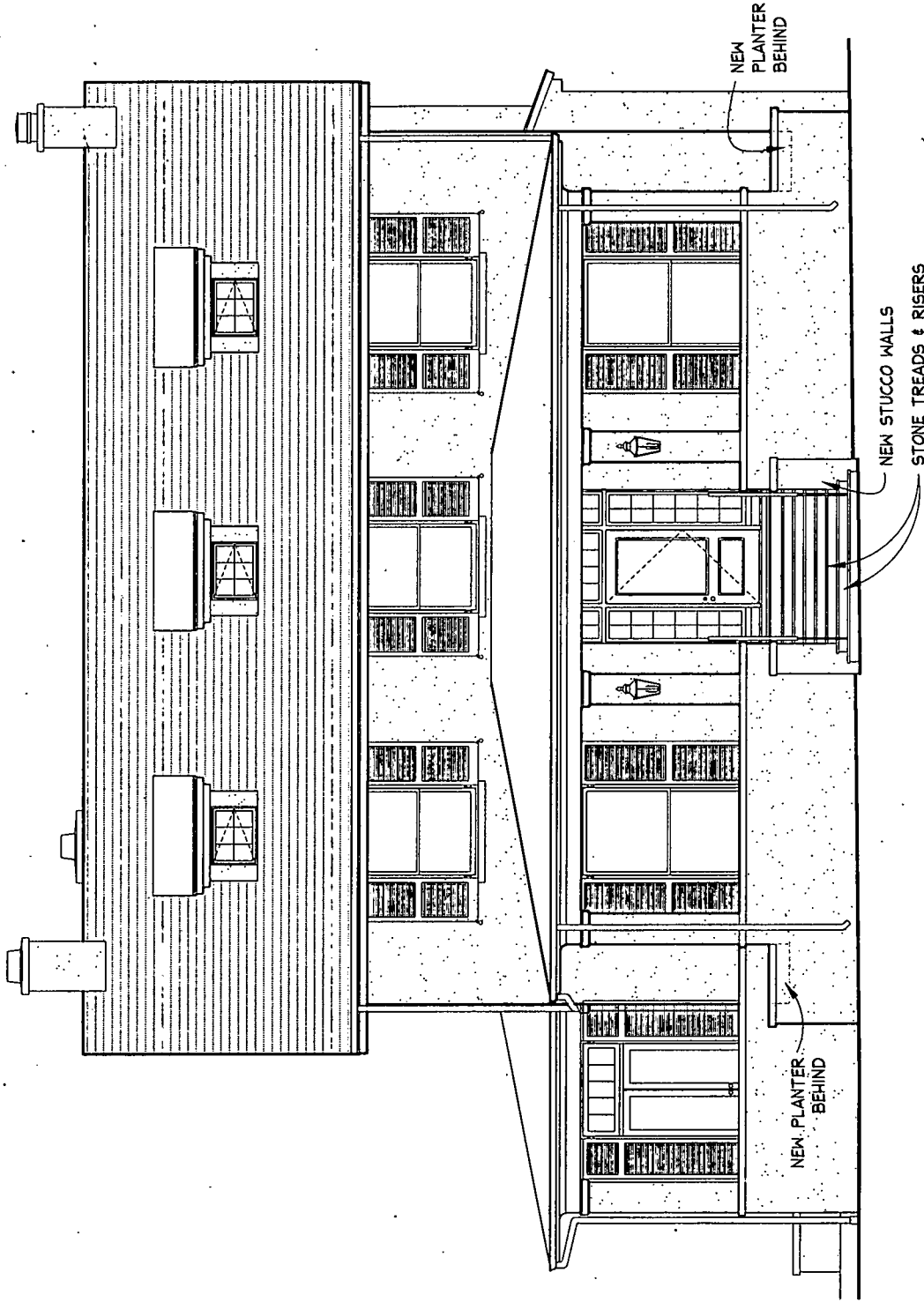


SIEKNHELL RESIDENCE • SOUTH ELEVATION @ 1/8" = 1'-0" • DAVID JONES ARCHITECTS

3.16.11

Approved by HPC

47
13



STERNHILL RESIDENCE

SOUTH ELEVATION

DAVID JONES ARCHITECTS

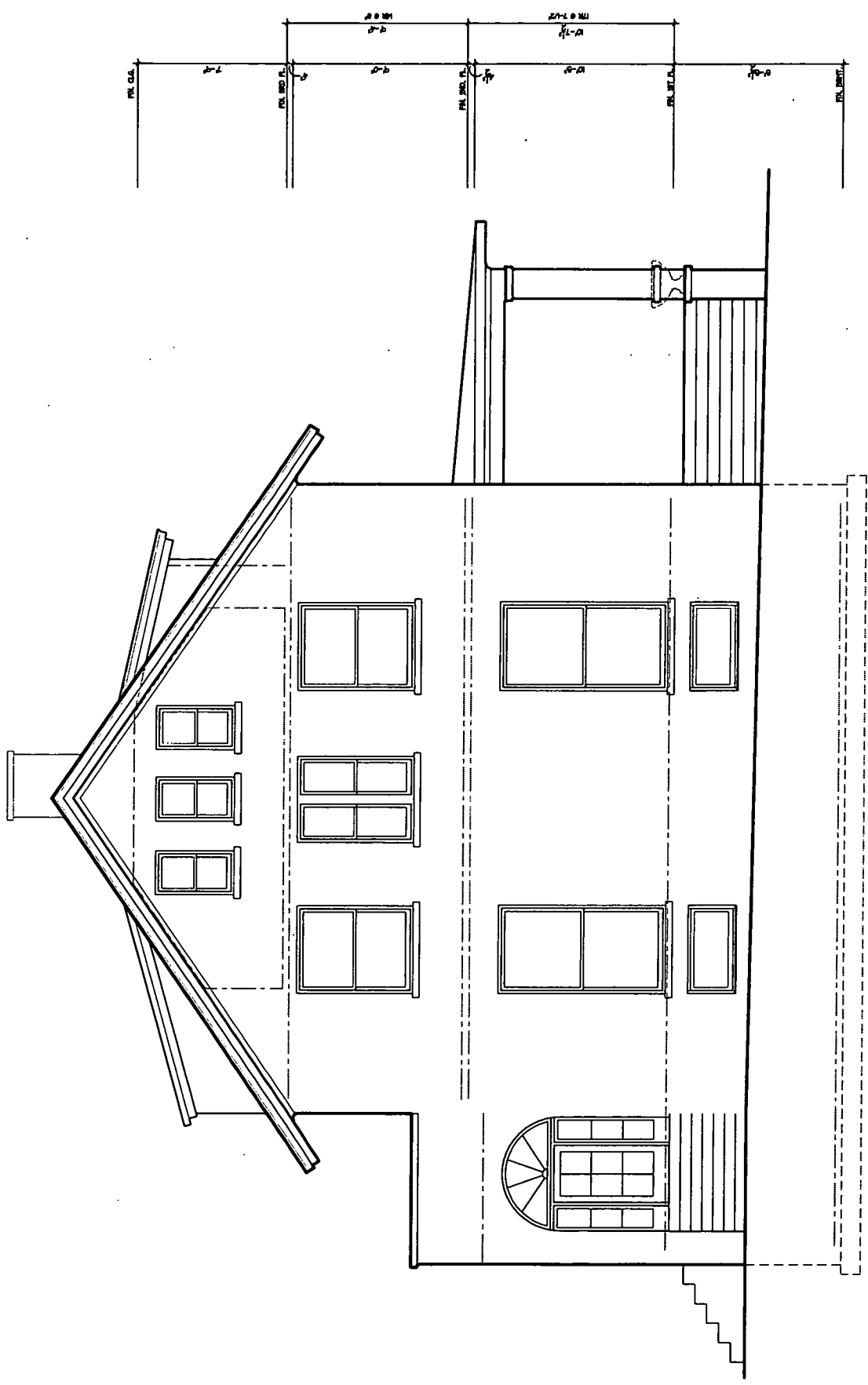
1/8" = 1'-0"

6 MARCH 2012

proposed revision

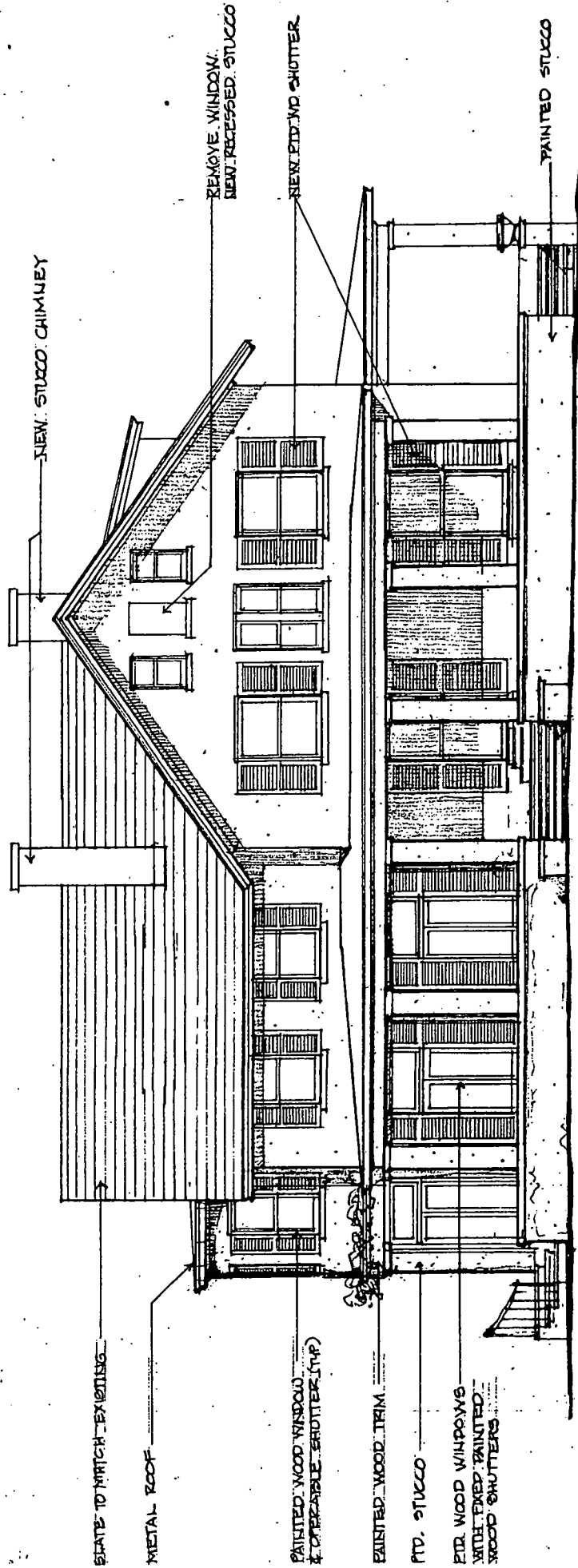
48
18

DATE:



Existing

49



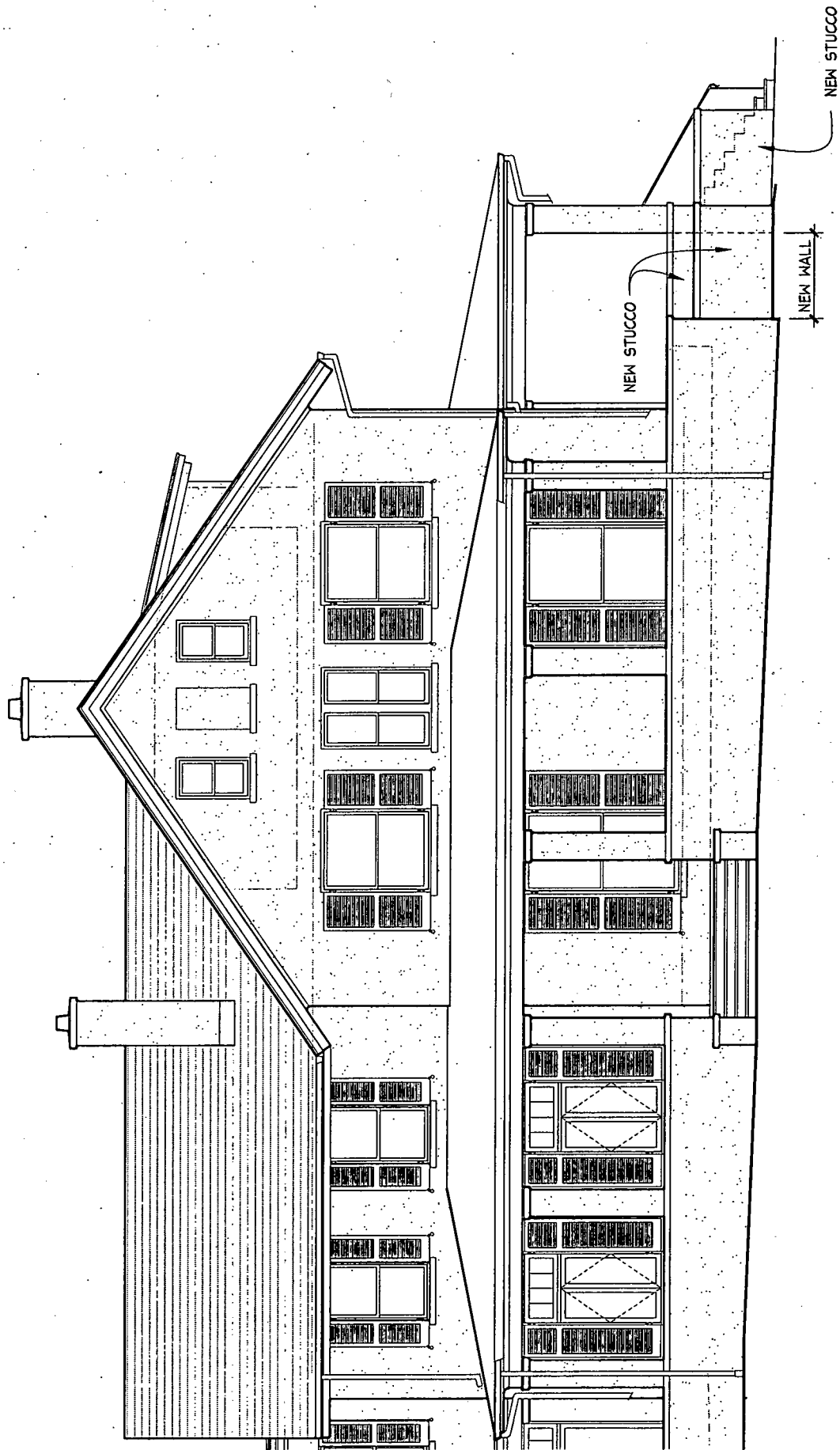
STERNHELL RESIDENCE • WEST ELEVATION @ 1/8" = 1'-0" • DAVID JONES ARCHITECTS

3.18.11

REVISED 9.2.11

Approved by HPC

50



STERNHELL RESIDENCE

WEST ELEVATION

1/8" = 1'-0"

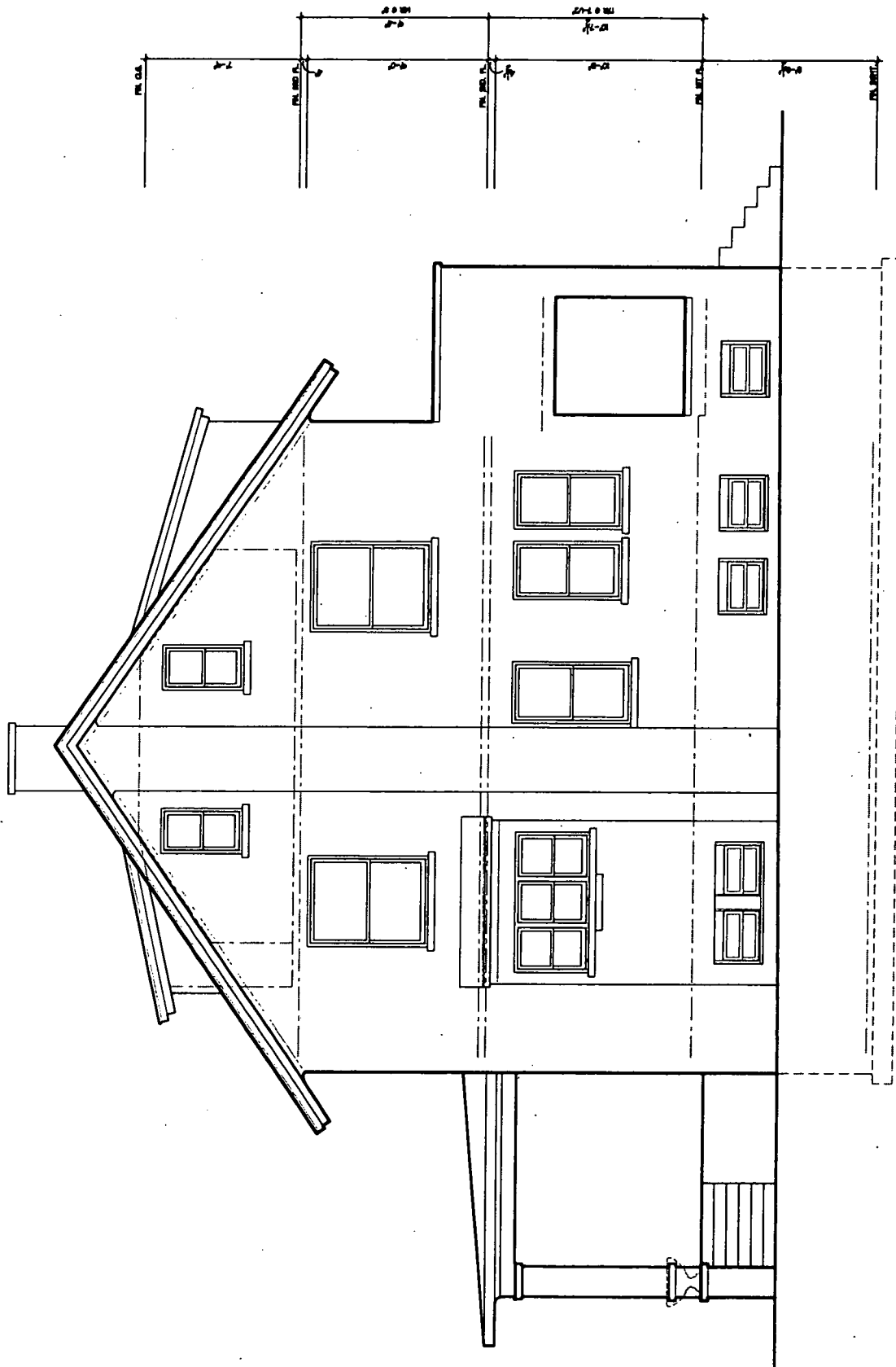
DAVID JONES ARCHITECTS

6 MARCH 2012

proposed revision

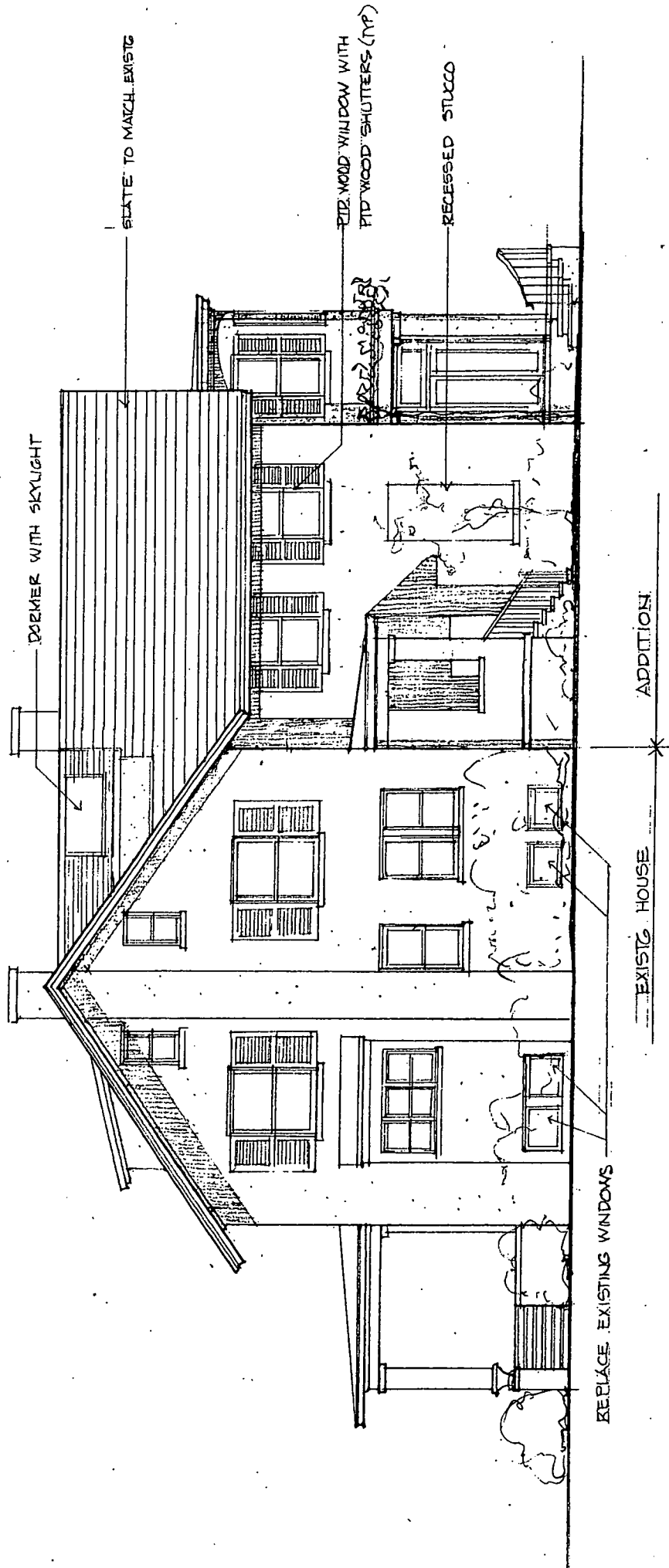
51
~~21~~

DATE:



Existing

25
18



STERNHELL RESIDENCE • EAST ELEVATION @ 1/8"=1'-0" • DAVID JONES ARCHITECTS

3.16.11

Approved by HPC

53
19

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
240-777-6600

(www.montgomerycountymd.gov/mc/council/board.html)

**Case No. A-6385
APPEAL OF KRISTY AND ALEX STERNHELL**

OPINION OF THE BOARD

(Hearing held October 17, 2012)
(Effective Date of Opinion: November 23, 2012)

Case No. A-6385 is an administrative appeal filed by Kristy and Alex Sternhell (the "Appellants") from the April 16, 2012 decision of the Montgomery County Historic Preservation Commission (the "HPC") to deny approval of Historic Area Work Permit No. 563874, which was a revision to approved Historic Area Work Permit No. 567380. The Appellants had requested approval to remove the original side-loading stairs to the front porch, to enclose the sides of the porch with planters, and to construct new front-loading steps. The subject property is located at 27 Primrose Street, Chevy Chase, Maryland 20815 (the "Property"), in the R-60 zone.

Pursuant to Sections 24A-7(h), 2-112, and 2A-1 et seq. of the Montgomery County Code, the Board held a public hearing on the appeal on October 17, 2012. The Appellants were represented by William S. Skupa, Esquire, who was admitted pro hac vice for the purposes of this case. Associate County Attorney Terri Jones represented Montgomery County.

Decision of the Board: Administrative appeal GRANTED in part and DENIED in part.

FINDINGS OF FACT

The Board finds by a preponderance of the evidence that:

1. The Property, known as 27 Primrose Street, Chevy Chase, Maryland, is a contributing resource in the Chevy Chase Village Historic District (the "Village"). See Exhibit 2, page 1.

2. On March 7, 2012, the Appellants filed an application for Historic Area Work Permit ("HAWP") No. 563874, seeking revisions to approved HAWP No. 567380. Appellants requested permission to remove the original side-loading stairs to the front porch, enclose the sides of the porch with planters, and construct new front-loading steps. See Exhibit 9, page 59.

3. On March 21, 2012, HPC staff issued their report which concluded that the "original front porch with the side-loading stairs is a unique and character-defining feature of the house at 27 Primrose Street." HPC staff recommended denial of this HAWP application based on Section 24A-8(a) of the County Code, after applying the moderate scrutiny standard to the proposed revisions (because the porch is visible from the public right-of-way), and after finding that the proposed change would compromise the integrity of the house and substantially alter the exterior features of the historic resource, thus making it inappropriate and inconsistent with the preservation of the resource. See Exhibit 9, pages 52-55.

4. The Transcript from the March 28, 2012, HPC hearing shows Ann Fothergill, Planner/Coordinator for the Planning Department, expressing HPC staff's concern that the "cumulative effect of all these changes to the historic block [i.e. those currently sought and those that would be/have been made pursuant to approved HAWP No. 567380] ultimately substantially alter [sic] the original form of the building and adversely impact [sic] its architectural character and historical integrity ... and ... would be inappropriate and inconsistent with this historical resource and the review criteria." Ms. Fothergill then noted that the HPC had allowed a change to the stair orientation of a front porch of a contributing resource in this same historic district, but explained that that was based on a historical photo and other research. She later acknowledged that she had spoken in error, and that the approval of the change to the stairs to that contributing resource, located at 11 Primrose Street, had been based on the historical research done by Emily Eig.

At the March 28, 2012, hearing, Ms. Sternhell testified about the need for the revision to the stairs, expressing her concerns about the safety of the east-side porch stairs as they relate to the driveway. Ms. Sternhell explained that she and her family have not yet moved into their home, but that as they have had more occasions to visit it, they have come to realize that the narrow driveway and the side-loading porch stairs, taken together, pose a safety issue. Ms. Sternhell testified about incidents of "backover" accidents about which she had recently learned. She explained that due to the configuration of their driveway, cars would have to proceed in reverse the entire distance of the driveway to exit the Property.¹ She said that she was concerned that a driver backing out of the driveway would not see a child or other person exiting the house via the east-side front porch stairs before that person was essentially in the driveway. She expressed great concern for her daughter's safety and that of other children visiting the house. She explained that these safety concerns outweighed any value that could be attached to the retention of this piece of historic fabric, and said her architect had designed front-loading stairs which would

¹ In response to questioning from Commissioner Van Balgooy, Ms. Sternhell testified that it was not possible to turn a car around behind the house.

keep children from running off the steps into the driveway while at the same time preserving the look of the porch.

Commissioner Miles asked Ms. Sternhell if she had considered placing a temporary gate across the stairs on the east side of the porch. Ms. Sternhell stated that she had considered this, but that her daughter could open gates, and that she thought it would still be a problem. Commissioner Miles then asked if she had considered a locked, temporary gate; Ms. Sternhell replied that she had not.

Mr. David Jones, the Sternhells' architect, testified that the HPC had recently approved a new set of front porch steps at 11 Primrose Street that come off the center of the porch. He testified that the stairs on that home currently come off the side of the porch onto the driveway end. He testified that contrary to Ms. Fothergill's statement, there was no historic photo showing center stairs, and that the Sanborn map shows side-loading stairs on the property at 11 Primrose. Ms. Fothergill then corrected her earlier statement, and said that while there was no historic photograph of 11 Primrose showing center stairs, historical research done by Emily Eig indicated that the side-loading steps were added to access a garage, which was added later. In response to questioning, Mr. Jones stated that none of the photographs he had brought showing homes with front-loading stairs were of houses that formerly had side-loading stairs. When asked by Commissioner Treseder if the front-loading stairs were the only solution he had proposed to the Sternhells' problem, Mr. Jones testified that this was a tricky issue for him. He testified that he thought the side-loading stairs were unique to this Property, and that he appreciated the historic aspects of this house, but that, having visited the former owner on numerous occasions and having accessed her porch via the driveway and east-side porch stairs – never the west-side stairs – he also believed that front-loading stairs would be nicer for the homeowners and for the neighbors. In addition, he testified that he understood the concern about people backing out of this driveway. Mr. Van Balgooy then stated that he believed there might be other solutions to the Sternhells' problem, including landscaping or gates. He noted that the Sternhells have a very wide lot.

See Exhibit 9, pages 85-99.

5. At the close of its March 28, 2012, meeting, the HPC voted unanimously, in accordance with the staff recommendation, to deny this revision to the original HAWP. They issued a written decision to that effect on April 16, 2012. The HPC found that the proposed changes to the porch would substantially alter the exterior features of an historic resource within an historic district and that the proposal would be incompatible in character and nature with the historical, archeological, architectural or cultural features of the historic district, and would be detrimental to the achievement of the purposes of Chapter 24 of the County Code. The HPC concluded that because the Sternhells' proposal would substantially alter the form of a character-defining feature of their house, their proposed construction "would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of this historic resource within an historic district." The denial noted that originally approved HAWP No. 567380 remains in full force and effect. See Exhibit 2.

6. The HPC Decision and Order contains the following "Conclusions of Law" with respect to the requested front-loading porch stairs:

4. Applying the Moderate Scrutiny principle for porches established in the *Guidelines*, the Commission found that the proposed changes will be visible from the front or side public right-of-way. The Commission found that the front porch with its side-loading stairs is a unique and character-defining feature of this house and that altering the porch form as proposed would lessen the integrity of the contributing resource, which is inconsistent with the *Guidelines*.

5. The Commission found that the Applicants failed to establish that the proposal was consistent with Section 24A-8(b)(1) and(2), concluding that the proposed changes to the character-defining porch would substantially alter the exterior features of a historic resource within a historic district and that the proposal would be incompatible 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 be detrimental thereto or to the achievement of the purposes of this chapter. The Commission found that the applicant's concerns regarding safety of children accessing the driveway from the east side steps could be addressed by other means which would not adversely impact the exterior features of the porch.

6. The Applicants did not present sufficient evidence to persuade the Commission to find that 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," as per Section 24A-8(b)(3); that any "unsafe conditions or health hazards would be remedied" as per Section 24A-8(b)(4); that "[t]he 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 as per Section 24A-8(b)(5); that "the general public welfare is better served by granting the permit" as per Section 24A-8(b)(6); or that the provisions of Section 24A-8(c) applied in this case.

7. Because the proposal would substantially alter the form of a character-defining feature of this house, the Commission found that this proposal "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," Section 24A-8(a).

Exhibit 90, page 102.

7. The Appellants filed this timely appeal on May 15, 2012.

8. Ms. Anne Fothergill, a Planner/Coordinator for the Planning Department, testified for the County. Ms. Fothergill serves as staff to the HPC. She testified that she had reviewed the Sternhells' original historic area work permit ("HAWP") application, as well as the revised HAWP application at issue in this case. Ms. Fothergill testified that she is familiar with both the Chevy Chase Village Historic District, and with the Sternhells' home, at 27 Primrose Street. She testified that architect Michael Heister built this house, and that he lived there from 1909 until 1920. See Exhibit 9, page 83. Ms. Fothergill called the Board's attention to several photographs of the home that are in the record. See Exhibit 9, pages 75-76 and page 83. She testified that she had gone by the house the day before the hearing, and that the bushes in front of the porch that are shown in some of the photos are gone.

Ms. Fothergill testified that the subject Property is a contributing resource in the historic District. "Contributing resources" are basically historic resources of secondary architectural and historical significance, and are described in the Master Plan as follows:

Contributing Resource: 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.

See Exhibit 9, page 27. Ms. Fothergill testified that Contributing Resources undergo varying levels of scrutiny depending on the alteration being proposed. In the case of porches which are visible from the public right-of-way, the Master Plan indicates that such proposals are subject to moderate scrutiny, which is described as:

"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.

See Exhibit 9, pages 35-37.

Ms. Fothergill testified that the plans approved by the HPC in the original HAWP indicate that the historic walkway to the house, shown in the photo on page 83 of Exhibit 9, would be removed and replaced with a centered walkway that splits to access the side-loading stairs. See Exhibit 9, page 61. She said that the revision proposed by this HAWP application does not show a walkway to the side entrances. See Exhibit 9, page 63.

Ms. Fothergill testified that Section 1.5 of the HPC regulations in the Code of Montgomery County Regulations (COMCOR) states that the HPC shall be guided by the following in their review of a HAWP:

- (1) The criteria in Section 24A-8 of the County Code (Exhibit 9, pages 7-8);
- (2) The Secretary of the Interior's Standards and Guidelines for Rehabilitation (Exhibit 9, page 10);
- (3) Pertinent guidance in applicable master plans, sector plans, or functional master plans, including categorization of properties in historic districts by level of significance - if applicable (Exhibit 9, pages 11-45); and
- (4) Pertinent guidance in historic site or historic district-specific studies (not applicable to this matter).

See Exhibit 9, page 9. She testified that while Section 24A-8 does not address porches, the Master Plan for the Chevy Chase Village Historic Master Plan does. See Exhibit 9, pages 36-37. She reiterated that porches that are visible from the public right-of-way are subject to moderate scrutiny. She then said that there are also County-wide design guidelines which address porches. See Exhibit 9, page 46, 49-51. She stressed that this is "lower case guidance," and that it constitutes best practices, not required review criteria. Ms. Fothergill testified that these guidelines are helpful to applicants, that the HPC does not consider them as review criteria, and that they are reviewed in the staff report but not as part of the decision criteria.

Ms. Fothergill testified that the Sternhells submitted their revised HAWP application in March, 2012. See Exhibit 9, page 59. She stated that their modification request cited access to the porch and more direct and identifiable access to the home. She stated that the safety issue cited by the Sternhells in this appeal was first raised at the HPC meeting on March 28, 2012.

Ms. Fothergill stated that she prepared the HPC staff report pertaining to the proposed revision. See Exhibit 9, pages 52-83. She testified that she recommended denial based on the review criteria, and the fact that the front porch is a character-defining feature of the Sternhells' historic home. She stated that the application not only failed to meet the Secretary of the Interior's Standards, but also the Chevy Chase Village Master Plan. She noted that the proposed change would alter the historic fabric of a feature which characterizes the front elevation of this Property, and that such a change would not be appropriate or compatible, and would not be in keeping with the review criteria. She testified that in this case, the "historic fabric" to which she was referring was the low masonry wall with the flanking stairs. Ms. Fothergill testified that the HPC will allow changes in the rear of a property, but that this proposed change was to the front, and not only that, but was to a very visible and character-defining feature of the house. She testified that the staff report concluded that the Sternhells' proposal failed to meet the criteria set forth in Sections 24A-8(1) and (2), and did not address the criteria in Sections 24A-8(b)(3) - (6) because they were not raised prior to the hearing. She testified that they were discussed at the hearing, and that they were addressed in the HPC's Decision and

Order. See "Conclusions of Law" Nos. 5 and 6, set forth in paragraph number 7, supra; Exhibit 9, page 102:

Ms. Fothergill then proceeded to address the arguments for granting the HAWP under Section 24A-8(b)(1)-(6) that are set forth on pages 4 and 5 of the Sternhells' submission (Exhibit 10), disagreeing with the Sternhells' commentary for each of these Sections. With respect to Section 24A-8(b)(1), Ms. Fothergill testified that the front porch is a character-defining feature of this house, and altering it would substantially alter this exterior feature of an historic resource. With respect to Section 24A-8(b)(2), Ms. Fothergill testified that the alteration of a character-defining feature is not compatible in character and nature with the historical, archaeological, architectural or cultural features of the historic home. With respect to Section 24A-8(b)(3), she testified that the Sternhells' proposal would not enhance the preservation of the historic home. She disagreed with the arguments set forth by the Sternhells for granting under Section 24A-8(b)(4), stating that the HPC had suggested at the hearing that what the Sternhells perceived as an unsafe condition could be remedied by using a temporary gate, which would be a reversible change. She testified that there were probably additional options that would also increase safety without adversely affecting the historic house. She acknowledged that a gate across the east-side porch stairs would be obliquely visible from the public right-of-way, and that such a gate would also require a HAWP. With respect to Section 24A-8(b)(5), Ms. Fothergill stated that she disagreed with the Sternhells' commentary, noting that retaining the east-side porch stairs does not deprive them of the use of their property. She stated that there were several other entrances to the house which could be utilized instead. See Exhibit 9, page 65. Ms. Fothergill also explained why she disagreed with the Sternhells' commentary under Section 24A-8(b)(6), testifying that the public interest is best served by retaining the character-defining features of this historic home, and noting that changing the entrance does not serve the public welfare.

Ms. Fothergill testified that prior to construction of the rear addition to the Sternhells' home, there was room to turn a car around to the rear of the house. See Exhibit 9, pages 60-61. Thus she concluded that some of the safety concerns that the Sternhells profess were created by the changes they made to their house.

Pursuant to Board questioning, Ms. Fothergill testified that the driveway was narrow. When asked if a HAWP would be needed for the Sternhells to place planters at the east end of their porch to block access, Ms. Fothergill testified that no HAWP would be needed. She also testified that the Sternhells do not have to build the branch of the sidewalk approved in their original HAWP which would lead to the east-side porch stairs.

On cross-examination, Ms. Fothergill acknowledged that there had been bushes in front of the porch which went above the porch wall and which obscured the center front of the porch. On viewing Exhibits 12(a) and (b), Ms. Fothergill testified that those bushes had been removed. She agreed with counsel for the Sternhells that the proposal was essentially to replace the bushes with stairs, and that this would not change the roofline of the porch or the house. She agreed that the proposed stairs would not change the porch columns or the dormers. Ms. Fothergill then testified that the proposed change would be a

change to the form of the front porch. When asked if she saw the three drain pipes shown in Exhibit 12(a) and (b), and asked if those pipes were shown in the historic photo of the home (Exhibit 9, page 83), Ms. Fothergill testified that the historic photo was fuzzy, but that she did not see the pipes in that photo. When asked if this was a change to the historic porch, Ms. Fothergill testified that it appeared to be, and theorized that perhaps the pipes were put there for maintenance or drainage issues.

When Ms. Fothergill was asked if the language in the moderate scrutiny standard which says that planned changes "should be compatible with the structure's existing design; but should not be required to replicate its architectural style" says that you don't have to replicate style as long as a proposed change is compatible, Ms. Fothergill testified that she interprets this language as referring to new construction, which would generally be placed to the rear of the structure. See Exhibit 10, page 6. Ms. Fothergill then proceeded to testify that the front of an historic home has to be kept intact, and highlighted other language under the "moderate scrutiny" definition which states that "preserving the integrity of the resource" is to be taken into account, concluding that changes to the front of the home affect the integrity of the resource. See Exhibit 9, page 35. Ms. Fothergill testified that this is really the crux of this denial.

When asked on cross-examination why the front-loading stairs would not be compatible in the Sternhells' case, given the number of other homes in the historic district that have front-loading stairs, including many that are similar in appearance to the Sternhells' home, Ms. Fothergill testified that the Sternhells' house has a unique design, and that the other homes probably had front-loading stairs from the outset. She testified that preservation of a unique character-defining feature trumps compatibility. She testified that she did not know of any other houses on the block which had a solid porch wall. She testified that the alterations proposed for the porch at 11 Primrose were to restore the porch to its original form, which differentiates that property from the Sternhell Property.

In response to Board questioning regarding the distinction seemingly drawn in the last sentence of the "moderate scrutiny" definition between "design" and "architectural style" ("Planned changes should be compatible with the structure's existing design, but should not be required to replicate its architectural style."), Ms. Fothergill testified that staff found that the Sternhells' HAWP application was incompatible with the design of the historic home, and did not even get to an analysis of architectural style.

On cross-examination, Ms. Fothergill testified that while the HPC has members who are architects, there are no architects on the HPC staff. She testified that staff works with architectural historians. When asked if an architect would be in a better position than HPC staff to determine to whether the proposed change is compatible in terms of architectural style, Ms. Fothergill disagreed, saying that she has been doing this for a long time. When asked, she testified that she did not think the terms "character-defining" or "unique and character-defining" were in Chapter 24A or in the moderate scrutiny definition; she testified that they may be in the Guidelines. When asked if the Editor's Note at the end of Section 24A-8, which says "See County Attorney Opinion dated 12/22/98 explaining that the Historic Preservation Commission must consider historic area

work permits (HAWP) guidelines, but is not bound by them," means that the HPC can ignore the guidelines, Ms. Fothergill said that the Note says they are not bound by them, and that she would have to ask an attorney. She stated that what she refers to as the "guidelines" is the Master Plan Amendment designating the district, and that she is not sure what "guidelines" this note refers to. She clarified that the criteria in Section 24A-8(b)(1) - (6) are the Montgomery County Code criteria for issuing a HAWP. See Exhibit 9, pages 7-8.

9. Ms. Clare Kelly, Historic Preservation Planner with the Montgomery County Planning Department, testified for the County. She has worked as a research and designation coordinator for the County for 22 years. In 1986, she received a Master's in Historic Planning. She explained that an "architectural historian" is a person who researches and understands historical periods of architecture that predate the current times. She testified that she worked on researching and designating the Chevy Chase Village Historic District. She testified that she did a house-by-house survey, and used a survey form, photographs, and archival research to understand the history of the district. She testified that the Village was one phase of the long-term development of a streetcar subdivision which extended from the National Zoo to the beltway. She testified that Section 2, which includes the Village, was the first part of this subdivision built in Montgomery County. She testified that it is of tremendous historical and architectural significance, and that it serves as a virtual catalog of popular styles between 1890 and 1920. Ms. Kelly testified that outstanding resources in the historic district are landmark buildings, and that contributing resources are those which represent the architectural style of the time period and constitute the "bread and butter" of the district.

Ms. Kelly testified that she was familiar with 27 Primrose Street. She testified that it was a contributing resource because it is a good representation of the style of the period, and because it has a good level of integrity. She testified that it is a prairie style house, and that this was the first truly American style of house, arising out of the Frank Lloyd Wright and prairie schools of architecture. She testified that prairie houses are horizontal houses. She said that Frank Lloyd Wright had a particular interest in entrances and how you approached a building. She testified that the idea that you obscure the entrance is part of the prairie style, adding that the house at 27 Primrose opens up after you enter it. Ms. Kelly testified that to call this house prairie style is more precise than to call it craftsman style, although both have stucco sides. She testified that the historic photograph shows that this house, with its horizontal nature, is very representative of the prairie style. See Exhibit 9, page 83. She noted that the low roof, wide eaves, and massive squared porch posts are representative of prairie style. She testified that this house was built in 1909. She said an old Washington Post article said that the Heisters had acquired the lot in 1908, and noted that they were in the process of building a house.

Ms. Kelly testified that while the "style" of this house is prairie, the "form" of the house, or its "design," is the side-loading porch, which she testified is very important to the character of this house. She testified that prairie style houses could also have front-loading porches, but that this one did not. She then clarified that the way a porch loads (front- or side-) is not determinative of its style, but rather of its form. When asked by the Board

how unique this porch was in the Village, Ms. Kelly testified that it was quite unusual, although she could not say it was the only example of a side-loading porch.

Ms. Kelly testified that in reviewing this HAWP application, the HPC had been presented with three different options for centered, front-loading porch stairs. See Exhibit 10, Tab 7. She then testified that Option #1 would change the character and form of the house. She testified that there would be a loss of significant historic fabric if the wall of the front porch were removed. She testified that the proposal added stairs and side walls that were not part of the original house. When asked by the Board if the "historic fabric" would include the stucco, Ms. Kelly testified that what was there now is what was there between 1909 and 1920. She testified that the wall has original elements, and that what it's made of contains layers of history that cannot be put back once they are taken away, stating that while you can replicate the appearance of an earlier time, you cannot replicate the original materials. When a Board member challenged her by saying that moderate scrutiny says that new materials should be permitted, Ms. Kelly testified that the new stairs were not compatible because of form. She reminded the Board that she was involved with the creation of the Chevy Chase Village Historic District Master Plan, and that "compatible materials" has to do with constructing additions to existing buildings, but that the underlying "form" still needs to be compatible. She then testified that in this instance, the introduction of (front-loading) stairs changes the form.

With respect to Option #2, Ms. Kelly testified that this proposal also has new front-loading stairs but with a railing instead of a wall. She testified that this has a negative impact on and changes the character of the house since it no longer has a side-loading porch, concluding that Option #1 and Option #2 are equally inappropriate. She then testified that Option #3 is also like Option #1, and has a negative effect on the character of the home.

On cross-examination, Ms. Kelly testified that she was familiar with the Chevy Chase Village Historic District Master Plan and with Chapter 24A of the County Code, and that she did not believe either used the term "historic fabric." She testified that she did not know if they used the terms "unique" or "character-defining" or "compatible." Ms. Kelly testified that she did not know that the subject Property had been purchased in three parts, or that the west-side entrance could not have been there when the house was built because that portion of the property was not purchased until 1914. Ms. Kelly then stated that the photo of the historic home was taken while Mr. Heister owned the home (i.e. between 1909 and 1920), and that the photo was all she had. She said that she didn't know what the house looked like when Mr. Heister originally built the house.

When asked on cross-examination if the front-loading steps depicted in the HAWP plans overwhelmed the house, Ms. Kelly testified that they changed the character of the house, and that with front-loading stairs, it was no longer a prairie style with a side-loaded porch. In response to questions about the Sanborn maps, which show that some of the original porch may have been made of wood, Ms. Kelly testified that wood was sometimes covered with stucco.

10. Ceane Corbett testified for the Appellants. Ms. Corbett testified that she has known the Sternhells for 9 years, and that her four-year-old goes to school with the Sternhells' daughter Sybil. Ms. Corbett testified that she and the Sternhells do playdates and parties together. She testified that a year ago, she and her family moved to 109 Quincy Street in Chevy Chase, approximately ½ block away from the subject Property. She testified that a colleague of hers had a two-year-old run over in their driveway. She said that when she saw the Sternhells' driveway at 27 Primrose, she was reminded of her colleague's tragedy. She testified that she and the Sternhells had talked about driveways, safety, and children.

11. Mr. David Jones, the Sternhells' architect, testified on their behalf. Mr. Jones testified that he lives at 15 Primrose Street, just down the block. When asked if the addition of front-loading stairs "overwhelmed" the house, Mr. Jones testified that in his opinion, the stairs looked minor, and that a substantial portion of the house remains intact. He said that while the front-loading stairs would be visible from the street, this would not be a substantial change to the house.

Mr. Jones testified that this was a colonial revival house with craftsman, prairie-style features. He testified that the subject Property has a gable-sided roof. He said it is a center-hall colonial transition to craftsman-style. He noted that it has a centered door and (interior) center stairs. He testified that the proposed change is small.

When asked by the Board if, in designing the prior (rear) addition, he had considered leaving enough room out back for a car to turn around, Mr. Jones testified that he put the family room and kitchen out to the back. He said there was previously room for a small car to turn around behind the house.

Mr. Jones testified that he specializes in work to historic homes, and that he has done work on 15 Chevy Chase homes since the designation of the historic district. Indeed, Mr. Jones testified that he had worked on the first house in the Village designated as historic. He testified that he prides himself on designing alterations that are compatible with the style of the house, and that he believes he did just that with his stair proposals for the Sternhells' home. Mr. Jones testified that he has gone through Section 24A-8(b)(1) – (6), and that he heard Ms. Fothergill explain why she did not believe that the Appellant's HAWP proposal met those criteria. Mr. Jones read from a section in the Master Plan entitled "Alterations to Existing Structures," which says that "[i]t is of paramount importance that the HPC recognize and foster the Village's shared commitment to evolving eclecticism, which necessitates substantial deference to the judgment, creativity and individuality of Village residents." See Exhibit 9, page 33. Because of this language, Mr. Jones testified that it is his understanding that there is more leeway under the Chevy Chase Master Plan than elsewhere. He noted that the Local Advisory Panel had split 2 – 2 in voting on the approval of the front-loading stairs.

With respect to the criteria set forth in Sections 24A-8(b)(1) – (6) of the County Code, Mr. Jones testified that the proposed change met all six, for the following reasons. He testified that the proposed front-loading porch stairs constituted a minor alteration to

the house, and thus satisfied Section 24A-8(b)(1) because they would not "substantially alter" an exterior feature of the historic home. He later stated that only about 8 feet of the historic materials (i.e. front porch wall) would have to be removed to accomplish this change. He testified with respect to Section 24A-8(b)(2) that he believed this was a center-hall house, and that a center stairway to the porch is of the nature of this house. He testified that centered, front-loading porch would improve safety and would be a better connection to the street and neighborhood. He testified that this is the only house on the block where you walk up the driveway to access the house because you can't tell how to get to the front door. He said that the proposed stairs would "tell" visitors how to get into the house. The east- and west-side porch stairs would be removed, to avoid any confusion. Thus he testified that he believed that the proposed construction would enhance the public and private utilization of the house, and a HAWP could be issued under Section 24A-8(b)(3). When asked by the Board if an entrance could be constructed which would "lead" visitors to the west-side porch stairs, Mr. Jones testified that two magnolias and an oak hide the west stairs, making neighbors reluctant to use that entrance, and causing them to favor the more open east-side entrance. With respect to Section 24A-8(b)(4), that the HAWP is necessary to remedy a safety hazard, Mr. Jones testified that there was a safety issue with the driveway. He testified that while the Sternhells could forego construction of that portion of the proposed new walk which accesses the east-side stairs, that would be awkward. He testified that putting temporary planters on the east side would also be awkward, because it would block the walkway. Regarding the HPC suggestion that the Sternhells employ a temporary gate, Mr. Jones testified that the wall along the front of the porch is only 1' 10" from the porch floor, and that any gate would be visible and that it would be hard to make such a gate compatible. He went on to explain why a gate at the bottom of the east-side stairs would not work. He testified that if the steps remain, a gate would be awkward. Mr. Jones testified that front-loading steps would eliminate the awkward entrance to this property with minimal impact on its historic value, alleviating questions about reasonable use and undue hardship. Finally, Mr. Jones testified that the public would be better served by allowing the proposed construction because there would be improved access to the house, and the house would be better connected to the sidewalk and neighborhood.

Mr. Jones testified that there is limited space between the bottom riser of the east-side porch stairs and the driveway. He testified that the bay window on the east side of the house (dining room) blocks the visibility of the garage for a person descending the east-side porch stairs. He added that when a person visits the Property, the danger of this situation is apparent, adding that both the approved walkway and the driveway (9 feet wide) are narrow. Mr. Jones testified that if one were to use the west-side porch stairs to enter the house, the surrounding trees would have to be limbed up. He later stated that he lives to the west of the subject Property, and that he knew the prior owner. He stated that in visiting her, he would never come up the west side of the porch, adding that no one ever did.

Mr. Jones testified about the proposed plans submitted for the front-loading stairs. He explained that there were basically two sets of three plans each. The first set retains the west-side porch stairs, the second set would remove the west-side stairs; both sets propose

the same three configurations for the front-loading stairs. See Exhibit 10, Tab 7. Option 1 depicts a set of stairs with flanking walls. Option 2 depicts stairs with no walls. Option 3 shows stairs with stepping, flanking walls. Mr. Jones testified that he prefers Option 1, with the west-side stairs retained. He testified that removing the west-side steps would mean more change to the original house, and that the real issue is the east-side stairs. He then testified that his proposals are very compatible with this house and with the streetscape. He testified that symmetry is a major tool in designing buildings, and that he tried to maintain this when he designed the steps. He noted that he has proposed no changes to the roof of the house or porch, to the columns, to the dormers, or to the windows.

On cross-examination, Mr. Jones acknowledged that the stair configurations that were presented to the HPC did not include the Options that retained the west side stairs, but rather would have replaced those stairs with planters. When asked if the Sternhells' house was really unique, as he had indicated in his testimony before the HPC ("This is the only house in the neighborhood that has this condition that I know of of [sic] the two side loading and very much a very - a wall facing the street, a railing that's a wall as opposed to an open railing, and I think that makes it unique. I think that, historically, that makes this a unique condition."), Mr. Jones testified that he recalled making those statements, that he had researched this house before proposing the changes permitted by the original HAWP, that he was the one who located the historic photo, and that to the best of his knowledge, the house had not been altered since that time. See Exhibit 9, page 95. He then stated that the concrete walkway on the west side of the house has been removed.

Still on cross-examination, Mr. Jones acknowledged that when the HPC raised the possibility of erecting a temporary gate at the hearing, he did not indicate at that time that such a gate would be awkward. He stated that he had not proposed changes to the porch in connection with the original HAWP. Mr. Jones then testified that since the house has been under construction, he has been there more often and has come to conclude that the driveway poses much more of a safety issue than he had realized. He testified again that the driveway is very narrow, and that if you visited the property, you would see this. He testified that he is personally concerned about the safety issue posed by the driveway.

When asked on cross-examination how many of the 15 houses he had worked on in the Village involved changes that were visible from the street, Mr. Jones named 11 properties, including the subject Property. He testified that two of these properties involved changes to the porches. Mr. Jones testified that he was the architect for the changes to the porch at 11 Primrose Street. He testified that he did not know the history of the stairs to that porch, but rather that he had simply designed new front stairs.

When asked by the Board if it was the original builders' intention to obscure the front entrance to this house, Mr. Jones said that one could infer that.

12. Ms. Emily Eig, an architectural historian and historic preservation consultant, testified as an expert witness for the Appellants. Ms. Eig testified that she lived in Chevy Chase for 31 years (in Section 5, not in the Village). She testified that she was a member

of the HPC for about 5 years in the late 1990s. She stated that she did not participate in the designation of Chevy Chase as an historic district, but that she did watch the process. Ms. Eig testified that the Master Plan was prepared with levels of review (lenient, moderate, and strict) and a local advisory panel. She said that review of properties in the Village is specific to Chevy Chase. She testified that the County had proposed designating Chevy Chase as an historic district and that there was a vocal group of citizens who were opposed to that designation. She testified that concessions were made in the standards because of that opposition.

Ms. Eig testified that she had worked on a number of historic properties in Chevy Chase, but that most of her work is in Washington, D.C. She said that she is the President and CEO of EHT Traceries, a 15-person firm. She stated that she has been involved with work on the Warner Theater, Union Station, the Old Post Office, and the U.S. Capitol. She testified that her firm also does consulting work on houses. She stated that they have a "great deal of knowledge in a small niche."

Ms. Eig testified that she has been to the subject Property on a number of occasions, and that she went up the driveway to the porch. She said she was familiar with the Sternhells' HAWP request. She explained that she had been brought in to do some work on the house across the street from the Sternhells' house (before the Sternhells bought it), and recalled considering the subject Property and how hard it would be to modernize. She stated that she knew of a number of people who had been interested in purchasing it, but that they were deterred because it was so unusual. She described the house as stucco. She said that it is a colonial revival in form, based on the interior (center hall and stairs), but that it has attributes that associate it with the prairie or craftsman style. Ms. Eig testified that this is not a very horizontal house.

Ms. Eig testified that if this were a purely aesthetic issue, she would not be testifying, but that the historic condition relating to this house has changed so that it no longer works safely. She testified that the house sits right at the driveway, and that the east-side porch stairs spill out onto the driveway. She said there is a grade that draws you towards the driveway, and that the driveway draws you to the porch. Ms. Eig testified that you can walk down the east-side steps and not see a car coming. She said that she has a serious safety concern. Ms. Eig testified that a gate would be easy to defeat, and that if a gate were employed, a person coming from the street would be at the gate before they saw it. She characterized the stairs and the driveway as an attractive nuisance. Ms. Eig said that the Board has an opportunity here to allow a change that does not affect the integrity of this historic home. She testified that even with front-loading porch stairs, the house would still contribute to the historic district, and the historic district would still be intact. She testified that this HAWP proposal fits more than one of the six categories for the issuance of a HAWP listed in Sections 24A-8(b)(1) - (6) of the County Code.

Ms. Eig testified that a change to the stairs would have minimal impact on this home while maximizing safety, adding that she didn't think a gate would be sufficient to address the safety issues. She testified that she had tried to think of other options. She said that the house needs something that is visible from the street to draw visitors to a

different entry point. Ms. Eig then stated that the architecture is supposed to direct you to a safe entry to a house, and that the west-side porch stairs did not do that. She testified that Mr. Jones' stair proposals could be added to this house in a simple way that would direct you to the door. She stated that a critical element of this is the way in which the walk is set. The walk should go up the center of the yard to the door. Ms. Eig testified that she has been unable to come up with another solution, offering that sometimes the simplest solution is the best.

Ms. Eig described the current east-side stair/driveway situation as dangerous. She said there is a tunnel effect on the driveway, with a fence/wall on the east side property line, and a curb and slope up to the grade of the house on the west. See Exhibit 10, Tab 2 (photo 1). She said the house is very close to the driveway, which she described as just wide enough for a car. She stated that this problem should not be accentuated by attracting people to that location with steps.

Ms. Eig testified that Exhibit 10, Tab 2 (photo 2) shows that bushes have obscured the view of this porch for a long time. She testified that there are other houses with the same form as the Sternhells' house that have front-loading stairs. Ms. Eig testified that the character-defining features of the Sternhell home are its large windows and dormers. She testified that she hoped the centered stairs would emphasize the horizontality of the home rather than detracting from it. In response to questioning, Ms. Eig testified that the three drain pipes on the front wall were not shown in the original photo, and that they were a modification to the porch that was made before the Sternhells bought the Property. See Exhibit 9, page 83, and Exhibit 12. When asked if someone had raised a safety issue when she was on the HPC if she would have wanted to hear testimony about how to safely modify the home, Ms. Eig stated that she would have wanted more information.

When asked on cross-examination how she would reconcile changing the porch stairs with the Secretary of the Interior's Standard #2, Ms. Eig testified that the Secretary of the Interior's Standards must be considered, but that the Montgomery County historic preservation laws allow you to look at other issues. (Standard # 2 says that "[t]he historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.") Ms. Eig stated that she became involved in this matter after the HPC's denial. She testified that she was asked to give her opinion, and that she was not paid at first. Ms. Eig testified that initially, she was very reluctant to appear on behalf of the Sternhells, but because she lived in the neighborhood, she decided to go by the house. She said that she talked with counsel for the Sternhells (Mr. Skupa) about those aspects of the law which would allow for consideration of the Sternhells' request, above and beyond the Secretary's Standards. She testified that after thinking long and hard about this, she agreed to appear at this proceeding as a paid witness.

Ms. Eig testified that the "draw" of the driveway will change if centered stairs are added to the porch, and that if there are no east-side stairs, there would be no reason to access the house that way. When asked if the center walkway that was approved in the original HAWP would beckon people to the center, Ms. Eig responded that that walk

would do only half the job. She said that people using the approved walk would still have to go to the right or the left to access the house. She then testified that if there were center stairs to the porch, people wouldn't look for the side stairs. Ms. Eig testified that this is an unusual house with a character-defining porch. She testified that replacing the side-loading stairs with front-loading stairs would change the house slightly, but that the change could be minimized, and that in balancing all of the interests against each other, she felt that the front-loading (center) stairs would be best. She noted that it was unusual to have a center entrance with side-loading stairs, but that she could find no evidence to the contrary. She reiterated that there had been two additional purchases of land during the construction of this home.

Ms. Eig testified that Chevy Chase was built as a "streetcar suburb." She said that lots of government workers with jobs downtown worked there. She said that cars were coming of age at the same time. Ms. Eig testified that the Sanborn maps show that there were originally few garages, but that later maps show more of them.

Ms. Eig testified that the Secretary of the Interior's Standards do not address safety, and that that was one reason the County Code contains Section 24A-8(b)(4). She testified that "moderate scrutiny" does not mean that the original has to be replicated. Ms. Eig testified in response to a Board question that she had tried to come up with other solutions to the Sternhells' problem, including a walk that would lead to the west-side stairs, horizontal steps with a landing, and pulling the front wall forward to shield a double layer of steps.

13. Ms. Kristi Sternhell testified that she purchased the subject Property on February 4, 2011. She testified that she had friends who lived on Primrose, and that Chevy Chase seemed like a "neighborhood," which appealed to her. She testified that they bid on this Property for a year before they finally bought it. She said that house was in disrepair, and that she was not looking for a house that needed to be restored. She stated that she was from a "young" city (Las Vegas, NV), and that she wanted to live somewhere old. She described her house as "gracious" and referred to it as her "sleeping beauty." She testified that she wants to raise her family in this house, that they want to live in it and restore it. She noted that this has been quite costly.

Ms. Sternhell testified that when they first bought the Property, they didn't go over to it a lot, and didn't worry about the porch. She testified that in March 2012, while backing out of the driveway of her current house, she was surprised to find her neighbor behind her car. She testified that her neighbor told her that her cousin's neighbor had just backed over their toddler. After that, Ms. Sternhell stated that she became worried. She said that Exhibit 10, Tab 2 (photo 1) shows her daughter hidden by the bay window in the dining room. She testified that kids just "pop out," and that she has racked her brain trying to find a workable solution, but can't. She said that they will encroach on the setbacks if they push the porch wall out (presumably towards the street). She testified that they have tried to come up with the simplest solution, and said that if they have to leave the west-side stairs intact, that is fine.

Ms. Sternhell testified that she did not intend to come before the Board with a safety argument, but that that is the reason she is here. She observed that even people who have shared driveways have a separate path to their front door. Ms. Sternhell testified that she can barely control her own daughter, and openly questioned her ability to control other people. Ms. Sternhell testified that she and her husband have been very careful trying to restore this home, and that they wanted the addition to feel like it was part of the original house. When asked by the Board why the March 7, 2012, letter requesting the modification to their original HAWP did not mention safety concerns, Ms. Sternhell testified that her concern arose sometime between March 7, 2012, and March 28, 2012 (the hearing date), and related to an accident in Arizona. She testified that she did talk to the HPC about her concerns at the hearing, and did not believe that the HPC discussed it fully. She noted that she and her husband had brought their own witness here from out of state to present safety evidence.²

14. Mr. Alex Sternhell testified that he has a healthy respect for the HPC, but that this decision puts his daughter in harm's way. He testified that his family needs to get rid of the east-side porch steps, saying the driveway is narrow, there is a blind spot, and someone is going to get hit. He testified that the only way to get rid of the east-side stairs is to put in center (front-loading) stairs. He appealed to the Board to put safety in front of all of the other arguments. When asked by a Board member, if the east-side entrance were blocked, if there was another way to enter the house, Mr. Sternhell testified that the west-side entrance looks like an entrance to someone else's home. He indicated that that entrance is far away, and that people instead would walk up the driveway. When asked by the Board if it was possible to design a path that would lead to the west-side steps, Mr. Sternhell testified that it might be possible, but that such a path would not preserve the house or its historical aspects. He stated that the idea to put another walkway on the other side of the lot is not workable. He acknowledged that there used to be a pedestrian path from Primrose to the west-side steps, but testified that a person on the street could not tell that that path went to his house because of the trees and the bend in the path. He testified that even if such a path were marked with his last name, people would still walk up the driveway. He noted that the west-side walkway that is shown on the historical picture of the house looked different in that photo than it did when they bought the house because of changes in the trees and topography. Mr. Sternhell testified that his driveway is very narrow with a wall on one side of it; he stated that there is nowhere for the driveway to go. He concluded by saying that he and his wife had moved to Montgomery County because they wanted a safe place to raise their children, but unfortunately they now see a real and ever-present danger posed by the juxtaposition of the east-side stairs and driveway. He thanked the Board for their time.

² Counsel for the County objected to the Board hearing the testimony of Janette Fennell, Founder and President of KidsAndCars.org, on grounds her testimony would contain nothing relevant to this case, based on the Appellant's submission and Ms. Fennell's CV. After hearing counsel for the Sternhells explain that Ms. Fennell would explain the safety aspects of the Appellant's request, and would elaborate on how unaware people are of this type of hazard, the Chair stated that the materials submitted by the Appellants showed this. See Exhibit 10, Tab 3. Counsel for the Appellants persisted, saying that he would like Ms. Fennell to briefly discuss the safety hazards at the subject Property, since she had viewed it. The Chair sustained the County's objection, and the witness was not permitted to testify.

CONCLUSIONS OF LAW

1. Section 24A-7(h)(1) of the Montgomery County Code provides that:

“Within 30 days after the Commission makes a public decision on an application, an aggrieved party may appeal the Commission’s decision to the Board of Appeals, which must review the decision de novo. The Board of Appeals may affirm, modify, or reverse any order or decision of the Commission.”

2. Ordinarily, as this Board has previously held, when an appeal from a quasi-judicial body is heard “de novo,” the matter is to be tried anew as if it had not been heard before and as if no decision had been previously rendered. In effect, the Board is exercising what amounts to original jurisdiction. For all intents and purposes, it is the first hearing of the case. *Pollard's Towing, Inc. v. Berman's Body Frame & Mech., Inc.*, 137 Md. App. 277, 768 A.2d 131 (2001); *Boehm v. Anne Arundel County*, 54 Md. App. 497, 459 A.2d 590 (1985); *Lohrmann v. Arundel Corp.*, 65 Md. App. 309, 500 A.2d 344 (1985); *Hill v. Baltimore County*, 86 Md. App. 642, 587 A.2d 1155 (1991).

However, the Board is accorded some flexibility in pursuing a “de novo” inquiry. The Maryland courts have stated that the meaning of the term “de novo” with respect to administrative appeals may vary with the subject matter of the review, the function of the agency, or the nature of the remedy. *Boehm*, 459 A.2d at 598. “There are many provisions in Maryland law for what are loosely termed de novo ‘appeals.’ Some of these appeals are less ‘de novo’ than others in that the action of the body subject to review retains some vitality and must be considered in the reviewing process.” *Lohrmann*, 500 A.2d at 348.

In this case, the function of the Board is not, as it is elsewhere in the Code provided, to “hear” or “decide” the matter “de novo” (see, e.g., appeals from the Sign Review Board, Section 59-F-10.3). Under the Historic Preservation ordinance, rather, the Board’s function is to “review the [HPC] decision de novo.” We must assume that the County Council meant to use these particular words, and we must give them meaning. In order to review a decision, we must consider the decision.

With respect to the burden of proof, Section 2A-8(d) of the County’s Administrative Procedure Act, which governs this proceeding, states unequivocally that “where a governmental agency or an administrative authority is a party, such agency or administrative authority shall have the burden of going forward with the production of evidence at the hearing before the hearing authority.” Section 2A-10(b) provides that “all recommendations and/or decisions of the hearing authority shall be based upon and supported by a preponderance of the evidence of record.” Consequently, where HPC is a party, it is required to produce evidence to show that its decision is correct. The Appellants may produce evidence to the contrary. The Board’s duty is to determine, by a preponderance of the evidence presented by all of the parties, whether the HAWP was correctly denied.

3. In reviewing an application for an historic area work permit, we look first to the criteria set out in Section 24A-8 of the Montgomery County Code:

“(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 1 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."

We must also consider the criteria for HAWP approvals set out on the HPC's regulations, as codified at Section 24A.01.01.1.5 of the Code of Montgomery County Regulations:

"(a) The Commission shall be guided in their review of Historic Area Work Permit applications by:

- (1) The criteria in Section 24A-8.
- (2) *The Secretary of the Interior's Standards and Guidelines for Rehabilitation.*
- (3) Pertinent guidance in applicable master plans, sector plans, or functional master plans, including categorization of properties in historic districts by level of significance - if applicable. Such categories will be defined and explained clearly in the applicable plans.
- (4) Pertinent guidance in historic site or historic district-specific studies. This includes, but is not limited to, the 1992 Long Range Preservation Plans for Kensington, Clarksburg, Hyattstown, and Boyds.
 - (b) Where guidance in an applicable master plan, sector plan, or functional master plan is inconsistent with the *Secretary of the Interior's Standards and Guidelines for Rehabilitation*, the master plan guidance shall take precedence."

In the instant case, the Approved and Adopted Amendment to the Master Plan for Historic Preservation in Montgomery County, Maryland, Chevy Chase Village Historic District - Expansion (1998), sometimes referred to as the "Guidelines," governs the review of this requested HAWP. Page 15 of that document sets forth definitions of the various scrutiny levels to be used:

"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 original building materials, should be permitted. Planned changes should be compatible with the structure's existing design, but should not be required to replicate its architectural style.

"Strict Scrutiny" means that the planned changes should be reviewed to insure that the integrity of the significant exterior architectural or landscaping features and details is not compromised. However, strict scrutiny should not be "strict in theory but fatal in fact" - i.e., it does not mean that there can be no changes but simply that proposed changes should be reviewed with extra care.

See Exhibit 9, page 35.

Pages 16 and 17 of the Master Plan describes the review that should be accorded porches:

Porches should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. Enclosures of existing side and rear porches have occurred throughout the Village with little or no adverse impact on its character, and they should be permitted where compatibly designed. Strict scrutiny should be applied to additions above existing front porches.

See Exhibit 9, pages 36-37.

4. The Board finds, based on the testimony of Ms. Kelly, that the historic house on the subject Property, with its horizontal nature, low roof, wide eaves, and massive squared porch posts, is a prairie-style house, and that having an obscured entrance is part of the prairie style. The Board notes that Ms. Kelly testified that Frank Lloyd Wright, whose work influenced the prairie style, had a particular interest in entrances and the way in which you approach a building. While Ms. Kelly testified that prairie-style houses could have side-loading or front-loading porches, the Board finds that the historic photo of this home at Exhibit 9, page 83, indicates that this particular home has historically had a side-loading porch. Ms. Kelly testified that side-loading porches are quite unusual in the Village, and the Board so finds. This is corroborated by the testimony of Ms. Fothergill, who testified that she did not know of any other homes on the same block as the subject Property which have a solid porch wall, and the acknowledgement by Mr. Jones that he had testified that this was the only house he knew of in the neighborhood with two side-loading [stairs] and a wall facing the street. Based on the foregoing and on the testimony of Ms. Fothergill and Ms. Kelly, the Board finds that the side-loading front porch is an unusual and a character-defining feature of this historic home.

5. Because the Appellants are proposing changes to their front porch, and because their front porch and the stairs leading to that porch are visible from the public right-of-way (in the case of the stairs, obliquely, per Ms. Fothergill), the Board finds that moderate scrutiny, as described above, is the appropriate standard for review of this HAWP. See Exhibit 9, page 83; Exhibit 10, As defined above, under the moderate scrutiny standard, the preservation of the integrity of the resource is taken into account, and planned changes need to be compatible with the structure's existing design. Based again on the testimony of Ms. Kelly, the Board finds that the "form" or "design" of this historic home is that it has a side-loading porch. Thus under the moderate scrutiny standard, the proposed changes need to be compatible with that design, i.e. compatible with a house that has a side-loading porch. The Board finds that the centered, front-loading stairs proposed by the Appellants are not compatible with a design that is defined by a side-loading porch, and that the construction of such stairs would alter this design and lessen the integrity of this contributing resource. In addition, the Board finds that the construction of the proposed front-loading stairs would result in a significant loss of historic fabric due to the demolition of a portion of the historic wall, per the testimony of Ms. Fothergill and Ms. Kelly.

6. Based on the findings in preceding paragraphs (4) and (5), the Board has reached the following conclusions of law under Section 24A-8(a) and Sections 24A-8(b)(1), (2), (3), (5) and (6) of the County Code:

The Board finds that because the Appellants' proposed construction would substantially alter the character-defining front porch and would lessen the integrity of this historic resource, such a proposal is "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," and pursuant to Section 24A-8(a), the permit must be denied.

The Board finds that the requested HAWP cannot be granted under Section 24A-8(b)(1) because the proposed changes to the character-defining porch would "substantially alter the exterior features of an historic site or historic resource within an historic district."

The Board finds that the requested HAWP cannot be granted under Section 24A-8(b)(2) because the construction of front-loading stairs would be incompatible 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 be detrimental thereto or to the achievement of the purposes of this chapter. This is a house that is defined by its side-loading porch, a character-defining feature that is, per testimony, unique to its immediate block and very unusual in the Village. To change this porch from side-loading to front-loading would be incompatible with this significant and important historical and architectural feature of this home.

The Board does not find evidence that the proposed changes would "enhance or aid in the protection, preservation and public or private utilization" of this historic resource, such as would be necessary for the issuance of a HAWP under Section 24A-8(b)(3). There was no evidence presented to suggest that the construction of front-loading stairs to the porch would "protect" or "preserve" this historic resource. While there was testimony that a centered set of stairs accessing the porch would "direct" visitors to the home's entrance and thus one could argue that such a change would "enhance or aid in" the utilization of this home, the Board finds that this house has been used since the early 1900s without front-loading porch stairs, and that the construction of a centered walkway from the street to the house (albeit one that splits to go right or left when it reaches the house, to access the side-loading stairs), to replace an existing concrete walkway from the street to the west-side porch stairs, was approved as part of the earlier HAWP. See Exhibit 9, pages 61 and 83. In view of this, the Board concludes that a HAWP cannot be issued under Section 24A-8(b)(3). For these same reasons, under Section 24A-8(b)(5), the Board does not find that the proposed construction is necessary to avoid depriving the owners of the reasonable use of their Property or to avoid causing them undue hardship. As Ms. Fothergill testified, there are two entrances to the front porch, and other entrances to this home. The Appellants are free to use or not use the various entrances, as their needs dictate.

With respect to Section 24A-8(b)(6), the Board disagrees with the Appellants' assertion that the interests of the general public would be better served by permitting the proposed changes to the front of this home, finding that the interest of the general public in historic preservation and in the preservation of this

character-defining side-loading porch is not outweighed by their interest in having a patently obvious way to access this front porch.

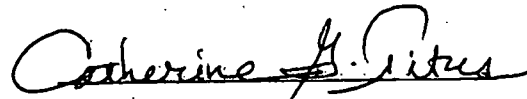
7. The Appellants in this case presented testimony and evidence to validate their concern that the juxtaposition of the east-side porch stairs and the long, narrow driveway, which extends between the house and a wall/fence to a detached garage in the rear, combine to constitute a safety hazard insofar there may be a conflict between cars that are backing out of the driveway and pedestrians exiting the house via the east-side porch stairs. See Exhibit 10, Tab 2 (photo 1) and Tab 3, testimony of Ms. Corbett, Mr. Jones, Ms. Eig, and Mr. and Ms. Sternhell.

Section 24A-8(b)(4) of the County Code states that a HAWP may be granted if "[t]he proposal is necessary in order that unsafe conditions or health hazards be remedied." While the Board finds that there are numerous ways in which an attentive driver could avoid a conflict at the point on the driveway closest to the east-side stairs, such as watching out of the side view mirror, stopping on the driveway to make sure no one is coming down the stairs, parking in the driveway before the point at which it goes behind the house, and parking on the street, and that there are undoubtedly also many ways in which the east-side porch stairs could be blocked so that they cannot be used, the Board does appreciate that there may still be times when a driver could be surprised by a child bounding down the stairs. The Board finds, however, that the Appellants have not shown that altering the front wall of this character-defining porch by constructing front-loading steps "is necessary," per Section 24A-8(b)(4), to remedy the arguably unsafe condition at the east-side stairs. The Board finds that to the extent that the proposed construction involves the removal of the east-side porch stairs and the construction of a permanent planter to block access to and from that side of the porch, a HAWP for such construction can be granted under Section 24A-8(b)(4) as "necessary" to eliminate the dangerous conflict. The porch can continue to be accessed via the west-side stairs. The previously approved, centered walkway can be built without the leg that would have accessed the east-side stairs, and will serve to guide visitors from the street to the west-side entrance.

8. Accordingly, by a preponderance of the evidence, this Board finds that the HPC incorrectly denied the Appellants' request to remove the east-side porch stairs and enclose that end of the porch with a permanent planter, since such work could be said to "be necessary" to remedy "unsafe conditions or health hazards," per Section 24A-8(b)(4). The Board further finds that the HPC correctly denied the Appellants' request to construct centered, front-loading steps to access their porch, and correctly denied the Appellants' request to remove and enclose the west-side porch stairs, since such actions are not "necessary" in order that "unsafe conditions or health hazards be remedied" under Section 24A-8(b)(4), and do not comport with Sections 24A-8(b)(1), (2), (3), (5) or (6) for the reasons explained above. The Appellants' appeal is therefore **GRANTED** in part and **DENIED** in part.

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the Opinion stated above be adopted as the Resolution required by law as its decision on the above entitled petition.

On a motion by Vice Chair David K. Perdue, seconded by Chair Catherine G. Titus, with Member Carolyn J. Shawaker in agreement, and Member Stanley B. Boyd in opposition (dissenting opinion attached), the Board adopted the foregoing Resolution.



Catherine G. Titus
Chair, Montgomery County
Board of Appeals

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the Board of Appeals for Montgomery County, Maryland this 23rd day of November, 2012.



Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County on accordance with the Maryland Rules of Procedure.

Dissenting Opinion of Member Stanley B. Boyd

In my opinion, Mr. Jones, who specializes in work to historic houses and has worked on 15 Chevy Chase houses, including the first house in the Village to be designated as historic, gave compelling testimony for the Appellants. I found his arguments that the proposed change met all six of the criteria set forth in Sections 24A-8(b) to be persuasive.

I also felt that Ms. Emily Eig, a historic preservation consultant who had served as a member of the HPC for about 5 years in the late 1990s, had watched the process when Chevy Chase Village was designated as an historic district, and has lived in Chevy Chase for 31 years, made a powerful case for the Appellants. She made it clear that the Appellants were not asking for an aesthetic or a convenient change to their property, but "that the historic condition relating to this house has changed so that it no longer works safely." She testified that the house sits right at the driveway, that the east-side porch stairs spill out onto the driveway, that there is a grade that draws you towards the driveway, and that the driveway draws you to the porch. Ms. Eig testified that "you can walk down the east-side steps and not see a car coming. That creates a very serious safety concern."

I know the Board majority made an effort to address this by modifying the proposal to allow the removal of the east steps so people would not utilize them. But as the Appellants stated, that would not stop people from using the driveway to access the house. They would simply walk further down the driveway to the back entrance. Increasing the distance that children and others have to walk to enter the house will make it even more likely an accident will occur if a driver does not see a child when he or she is backing out the driveway. As the Appellants stated, "the driveway is narrow, there is a blind spot, and someone is going to get hit."

Section 24A-8(b)(4) of the County Code states that:

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:

- (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied;

This Section, on its own, is grounds for the director to issue the HAWP requested by the Appellants, and I believe that for this reason alone, the Board could have granted the Appellants' appeal. That said, I also agree with Ms. Eig's testimony that even with front-loading porch stairs, the house would still contribute to the historic district, and the historic district would still be intact, and thus I agree with her conclusion that this HAWP proposal could have been issued under more than one of the six categories listed in Sections 24A-8(b)(1) - (6) of the County Code.

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	27 Primrose Street, Chevy Chase	Meeting Date:	2/27/13
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	2/20/13
Applicant:	Kristy and Alex Sternhell (Lila Fendrick, Landscape Architect)	Public Notice:	2/13/13
Review:	HAWP	Tax Credit:	No
Case Number:	35/13-13I	Staff:	Anne Fothergill

PROPOSAL: Alterations to hardscape, fencing installation and other alterations to site

STAFF RECOMMENDATION

Staff recommends that the HPC approve this HAWP application with the following condition:

1. The proposed 5' to 6'6" tall fencing in the location shown is not approved; final design and location of west side yard fencing to be reviewed and approved at the staff level.

PROPERTY DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Village Historic District
STYLE: Craftsman
DATE: 1918

PROPOSAL

The applicants are proposing to:

- install a 6' tall wooden gate across the driveway at the rear of the house
- install 5' to 6'6" maximum height wooden picket fencing across the west side yard
- install a rear blue flagstone terrace with limestone border in three areas
- install 4'10" tall fencing around generator
- install a new 5' wide front walkway of blue flagstone leading from the east and west side porch stairs to the sidewalk with granite and bluestone steps and cheek walls and a metal railing
note: this walkway design was previously approved by the HPC (see Circle 24/25) and additional details have been provided in this application
- install a lamppost on the west side of the new steps

Chevy Chase Village has reviewed and approved the proposed changes, including those alterations located within the right-of-way that require a special permit from the Village Board.

NOTE: Any work shown on the plans and not described in the above workscope is not a part of this application. Specifically, the changes to the driveway and front porch are not being reviewed at this time.

The HPC's review of that part of the application is pending a variance review by the Chevy Chase Village Board.

See existing and proposed plans in Circles 11-17 and photos of existing conditions in Circles 18-23 + 26-29.

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.

The *Guidelines* state "Another critical characteristic of the proposed historic district is its 'naturalistic landscape' with numerous and 'massive' mature trees, a 'remarkable' park-like setting, and 'dramatic canopies for the roads and houses.' ... Thus, it is also of paramount importance that the HPC recognize and foster the Village's open, park-like character, which necessitates respect for existing environmental settings, landscaping, and patterns of open space."

Specifically, the *Guidelines* state:

- 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.
- Lampposts and other exterior lights should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not.

- *Sidewalks* should be subject to strict scrutiny with regard to their impact on landscaping, particularly mature trees. In addition, sidewalks pertaining to outstanding resources should be subject to strict scrutiny. In all other respects, sidewalks should be subject to moderate scrutiny.

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:

- # 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.

STAFF DISCUSSION

The proposed changes including the new front walkway (previously approved by the HPC), rear terraces, and other alterations to the site are all in keeping with the *Guidelines* and are approvable changes.

Using strict scrutiny - since the proposed 5' to 6'6" fencing across the west side yard will detract significantly from the existing open streetscape – the fencing as shown is not allowable. The *Guidelines* state that it is “of paramount importance that the HPC recognize and foster the Village’s open, park-like character, which necessitates respect for existing environmental settings, landscaping, and patterns of open space.” This fencing would disrupt the pattern of open space, limit the open sight lines through this side yard, and adversely affect the open park-like character of this large side yard. Using the applicable guidelines, the fencing could remain in this location but would need to be lowered to 4' tall with a more open style of fencing - or the fencing could be pushed back so it is located at the rear of the house where there would be less visibility and impact to the site, streetscape and historic district.

STAFF RECOMMENDATION

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

and with the *Secretary of the Interior's Standards for Rehabilitation* and the *Chevy Chase Village Guidelines*;

and with the general condition that the applicant shall present the **3 permit sets of drawings 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. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or anne.fothergill@montgomeryplanning.org to schedule a follow-up site visit.



HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: ksternhell@sternhellgroup.com Contact Person: Kristy Sternhell
Daytime Phone No.: (301) 656-0209

Tax Account No.: _____
Name of Property Owner: Alex + Kristy Sternhell Daytime Phone No.: (202) 441-5105
Address: 27 Primrose Street, Chevy Chase MD, 20815
Street Number City State Zip Code

Contractor: Mauck Zantlinger & Associates Phone No.: (202) 303-8501
Contractor Registration No.: 41250

Agent for Owner: Nick Pendleton Daytime Phone No.: (202) 438-1557

PROPERTY IDENTIFICATION
House Number: 27 Street: Primrose St.
Town/City: Chevy Chase Nearest Cross Street: Brookville Rd.
Lot: 15 Part 16 Block: 5B Subdivision: Section 2
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

<input checked="" type="checkbox"/> Construct	<input type="checkbox"/> Extend	<input checked="" 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: <u>steps & modification to house porch walls</u>		

1B. Construction cost estimate: \$ _____

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

PART TWO: TYPE OF SEWERAGE AND WATER SUPPLY

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

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

PART THREE: COMPLETELY FOR FENCE-RETAINING WALL

3A. Height 6 feet 6 inches max.

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 thereby acknowledge and accept this to be a condition for the issuance of this permit.

Kristy Sternhell 2/6/13
Signature of owner or authorized agent Date

Approved: _____ For Chairperson, Historic Preservation Commission
Disapproved: _____ Signature: _____ Date: _____
Application/Permit No.: 6025499 Date Filed: 2/6/13 Date Issued: _____

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

This 1915 Colonial Craftsman style stucco home features a generously sized lot where the house sits back from the sidewalk on a grassy podium above the sidewalk; its front and side porches overlook a gracious front yard and large sloping side lot dotted with mature shade and evergreen trees. Remnants of a sunken garden remain in the northwest corner of the lot. A narrow driveway extends along the east property line to a two car garage tucked in the northeast corner of the lot. A rough grey granite wall forms the east edge of the driveway and extends 85'-0" feet back from the brick sidewalk; it straddles the east property line.

Particular to this house's architecture is a +/- 5'-0" tall by 38'-0" long front porch wall which blocks any direct access to the front door from the sidewalk. The porch wall is centered on the front door. Extending off this porch wall are two lower symmetrical "wing" walls of 2'-7" height and 4'-0" length. Existing concrete steps are hidden behind these lower "wing" walls. Only simple metal railings suggest that steps might exist behind the walls. The only access to the front door is from the driveway or from the west side garden, neither of which is readily apparent from the street or sidewalk. The hidden approach to the front door and the height of the central front porch wall do not create a welcoming approach to the house.

The steps behind the east "wing" wall descend to a short concrete landing above a bank and directly to the driveway. The linear relationship between the steps and the driveway creates a hazardous condition for small children who could run from the porch directly into the driveway.

The steps behind the west "wing" wall face towards the west garden. Neither set of steps face towards the street or are visible behind the "wing" walls. This creates a perplexing condition for visitors.

Despite the spacious size of the lot the driveway is narrow at 8'-6" wide, framed by a broken rolled concrete curb along the west side and a granite wall on the east side. There is insufficient space to park a car adjacent to the east side steps, open the driver's side door, and step up onto the landing below the east side steps.

b. *General description of project and its impact on historical resources, the environmental setting, and where applicable, the historic resource:*

The site plan proposes several improvements to safety, circulation, use, and enjoyment of the property while respecting the historic character of the house with its prominent porch walls, mature landscape, and the diverse fabric of the historic neighborhood.

New steps at the sidewalk, a new lead walkway from the proposed sidewalk steps on axis with the front door, and a walkway parallel to the front of the house have been previously submitted and approved by the Historic Preservation Commission. These, in combination with proposed steps which will wrap around modified "wing" walls to face the street will provide safer, more visible access to the house.

The proposed steps at the sidewalk would be flanked by cheek walls built of Champlain granite. The proposed granite walls will be a medium grey granite with a split face finish. The cheek walls will be no higher than 12" above grade. The cheek walls will have a 2" thick coping of select Pennsylvania bluestone with a thermal finish on the top and all sides. The step risers would be built of Champlain granite to match the cheek walls. The step treads would be select Pennsylvania bluestone with a thermal finish. A metal handrail would be provided on one side of the steps. A post light with a copper Bevelo French Quarter lantern would be placed to the west side of the steps.

The new steps at the sidewalk would start 2'-0" behind the existing brick sidewalk as required by the Chevy Chase Village Building Code. The landing would be select blue flagstone with a natural cleft finish, laid in a random rectangular pattern.

The proposed front walkway above the proposed steps would be 5'-0" wide and be centered on the front door of the home. It would be made of select blue flagstone with a natural cleft finish. It will be laid in a random rectangular pattern. The walk running parallel to the front porch would be made of the same materials and would be 5'-0" wide. At the intersection of the paths there would be a small landing, 10'-0" x 10'-0", made of the same materials and laid with the same pattern as the walks.

As mentioned earlier, the proximity and design of the east porch steps leading directly to the driveway create a hazard for small children.* The steps do not provide a visible, inviting approach to the front door. The proposed design recommends a minor modification to the length of the "wing" walls while maintaining the symmetry of the original front porch wall design.

NOT
INCLUDED
IN HAWP

*see Attached Exhibits

not part
of HAWIP

The 4'-0" long "wing" walls extending off the front porch would be shortened by 12" on both sides to 3'-0" to maintain the symmetry of the front porch design. On the east end, shortening the "wing" wall by 12" allows for new 4'-0" wide steps extending east of the shortened east "wing" wall and a wider driveway. On the east side of the porch there would be four steps descending from the existing front porch to an intermediate raised landing. These would be hidden behind the "wing" wall. At the landing the steps change direction; three steps would face the street. The landing would be elevated above the driveway; a metal guardrail and the elevated landing physically separate the steps from the driveway, thus removing the existing hazardous relationship between the existing east steps and driveway. Additionally, turning the steps away from the driveway and towards the front yard links the porch to the new walkway system and creates a more pedestrian-friendly connection between home and garden.

not part
of HAWIP

On the west side there would be four steps descending from the existing front porch to an intermediate landing. Those steps would be hidden behind the shortened "wing" wall. At the landing the steps would wrap around the landing, with three steps facing south and west. This design would provide access towards the street and the side garden. This historic style of steps provides an inviting approach to the front door and engages the side yard.

The landing at the bottom of the west steps will be built slightly elevated (+/- 9") above the grade around a nearby existing Southern Magnolia using pier footings and grade beams recommended by the Chevy Chase Village arborist to minimize the impact on the tree roots. Steel angle irons attached to the piers will support granite veneer placed below the flagstone walkway. The net effect will be of an elevated walkway with a granite riser.

At the bottom of the west porch steps the select blue flagstone landing links to the front walk which parallels the front porch wall and to an irregular flagstone path which turns the corner of the porch to meet a landing off the west porch steps which open to the central portion of the west side yard. The irregular flagstone landing then leads to a terrace off the rear family room steps.

not
included
in HAWIP

The new steps leading to the front porch would have select Pennsylvania bluestone treads with a thermal finish; the risers would be select blue flagstone with a natural cleft finish in a blue grey range. The walls supporting the east steps would be concrete with a stucco finish, painted to match the house. The shortened "wing" walls on the front porch would receive the same painted concrete coping detailing as the existing "wing" walls in order to match existing conditions. As mentioned earlier the narrow width of the original driveway (+/- 8'-6") in some places prohibits comfortable usage of the driveway and opening car doors.

not part
of MAWP

The driveway would be widened to 10'-0" from the sidewalk to the building restriction line., per the Chevy Chase Village Building Code. It would be 24'-0" long. Behind the building restriction line it would widen to 11'-2". The widened driveway would abut a select blue flagstone landing at the base of the east porch steps; this flush condition will provide a comfortable place for the owners to park and enter their home. The driveway will be regraded to provide a +/- 12'-0" long level area adjacent to the flagstone landing. The 11'-2" driveway width extends to proposed double gates and expands to become a courtyard space in front of the garage. The driveway would be paved with exposed concrete aggregate, bordered with grey colored Indian Block granite cobblestones. The courtyard would be paved with the same materials.

Double mechanically operating gates would be placed in line with the northeast corner of the mudroom to enclose the courtyard space and create a safe zone for children's play. These would be wood gates, painted or stained. The design of the gates incorporates boards set on the diagonal to be similar to the proposed traditional carriage house doors of the garage. The top of the gates would be pickets. A short panel of +/- 6'-0" tall fencing would be made of vertical 1" x 4" boards and would match the existing fencing at the west side of 29 Primrose Street. This fencing abuts the courtyard space in front of the owner's garage.

At the rear of the house a terrace of select blue flagstone with natural cleft finish connects to the courtyard space. It is composed of three areas. The central terrace has a semi-circular edge responding to the shape of the semi-circular bay off the breakfast room. The other two terraces are rectangular in shape and respond to the massing of the rear of the house. Indiana limestone borders, 16" wide, frame each space. Small triangularly shaped landings of Indiana limestone would be placed at the bottom of the double curving steps behind the breakfast room.

A generator on the west side of the garage would be framed by an orthogonal gridded lattice paneled fence approximately 5'-0" high. This would be planted with ornamental vines to conceal the generator.

The sunken garden would be repurposed into a children's play area. It will be accessed by bluestone slab steps. The sloping banks would be sodded for children's play.

The side and front yard would be gently regraded to create more level spaces for play. All disturbed areas would be sodded.

On the west side of the house a 5'-0" to 6'-0" tall wood picket fence would be built to provide some separation from the street to the side yard. This would be painted or stained the same color as the wood gates on the east side. It would have one 4'-0" wide single gate. The maximum height of the fence would be 6'-6" tall.

The materials mentioned above have been selected to integrate the new construction within the original house design and historic setting and to create a seamless transition between old and new. Where abutting the original house and porch, the new east landing wall would be painted stucco. The shortened "wing" walls at the front porch would be painted stucco and detailed with a stucco cap to match existing.

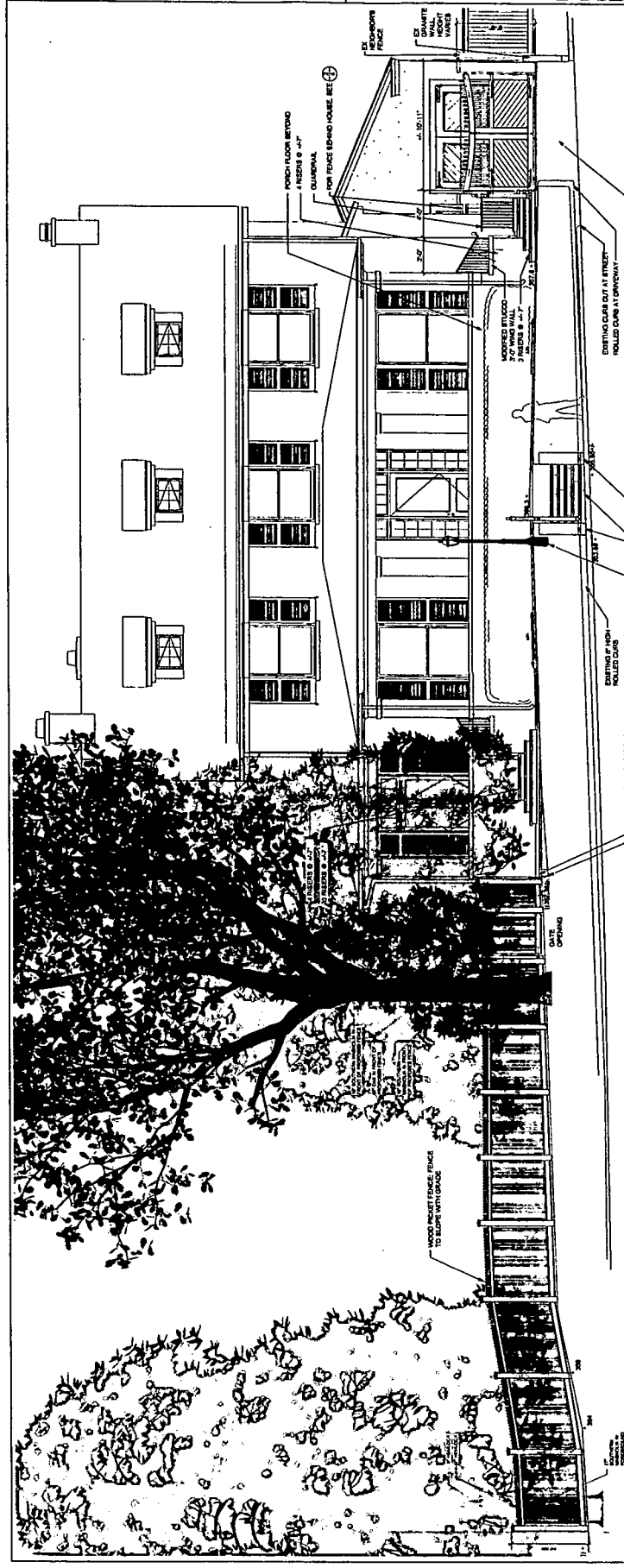
Materials used along this block of Primrose Street include granite walls, bluestone and flagstone paving, and wood fencing and gates of varying designs. Other materials found within Chevy Chase Village include exposed concrete aggregate paving and granite cobblestone. The materials selections are intended to blend contemporary materials in a subtle manner with the historic setting of the house and Chevy Chase Village.

The environmental setting would be managed with careful stewardship of the existing trees and minor adjustments to grades. Protection of the trees throughout the construction process, preservation of the healthy trees, annual evaluation of the trees, and introduction of new carefully selected plant species will contribute to the beauty of this historic resource in the Village.

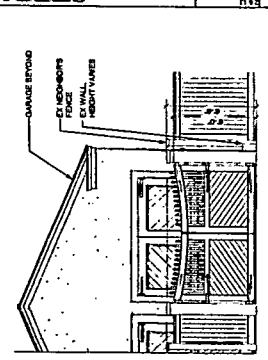
The proposed design integrates the owners' desire for increased safety, use and enjoyment of the property with the historic character of the house and its setting. We believe the modifications to the lower front porch "wing" walls would have minimal impact on the integrity of the historic house design. The proposed symmetrical shortening of the walls respects the original symmetrical design of the front porch walls. The proposed wrap around steps and shortened "wing" walls now graciously link the front porch with the garden setting for much greater usage and enjoyment of the property. The design of the east side steps which turn away from the driveway addresses the safety concerns. Front loading steps adjacent to the "wing" walls and visible from the street are more inviting than steps hidden behind walls. There would be a very positive impact on the relationship between the house and its garden setting and neighborhood setting as the house could now become part of the block, rather than be shut off from the block.

27 PRIMROSE STREET, CHEVY CHASE, MD 20815
STERNHELL RESIDENCE

SCALE AS NOTED
 FRONT ELEVATION



④ ELEVATION OF SOUTH SIDE FRONT ELEVATION
 1/4" = 1'-0"



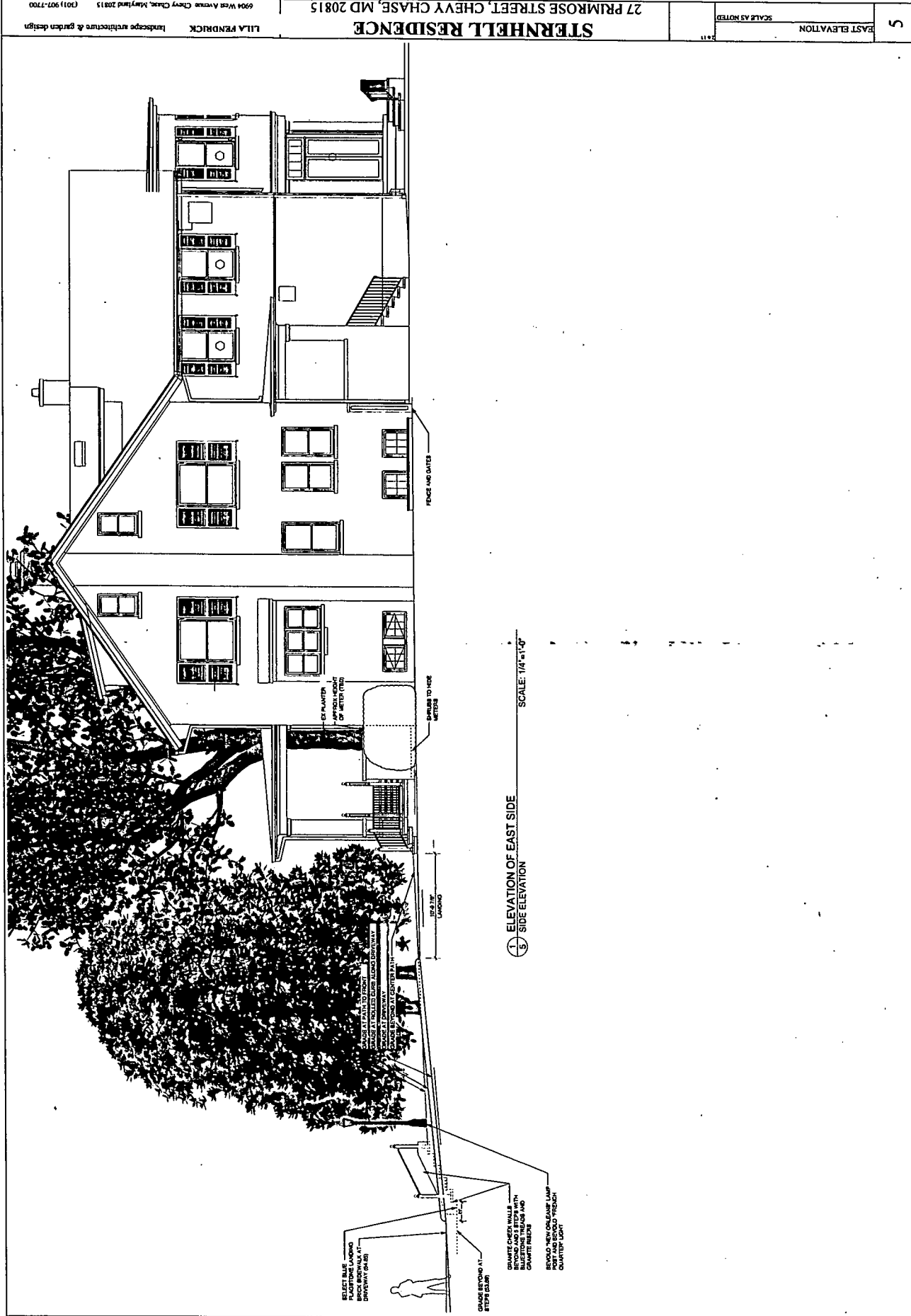
② FULL GATE ELEVATION
 FRONT ELEVATION
 1/4" = 1'-0"

WOOD PIERCE FENCE TO MATCH EXISTING
 EX. DRIVE AT FRONT DRIVE AT TREE
 EX. DRIVE AT FRONT DRIVE AT TREE
 SELECT BLUE FLAESTONE LANDING
 GRANITE CREEK WALLS WITH 1" SPACING
 COMPARED WITH 1" SPACING
 GRANITE CREEK WALLS WITH 1" SPACING
 COMPARED WITH 1" SPACING
 GRANITE CREEK WALLS WITH 1" SPACING
 COMPARED WITH 1" SPACING
 GRANITE CREEK WALLS WITH 1" SPACING
 COMPARED WITH 1" SPACING

WOOD PIERCE FENCE TO MATCH EXISTING
 EX. DRIVE AT FRONT DRIVE AT TREE
 EX. DRIVE AT FRONT DRIVE AT TREE
 EX. DRIVE AT FRONT DRIVE AT TREE
 EX. DRIVE AT FRONT DRIVE AT TREE

WOOD PIERCE FENCE TO MATCH EXISTING
 EX. DRIVE AT FRONT DRIVE AT TREE
 EX. DRIVE AT FRONT DRIVE AT TREE
 EX. DRIVE AT FRONT DRIVE AT TREE
 EX. DRIVE AT FRONT DRIVE AT TREE

WOOD PIERCE FENCE TO MATCH EXISTING
 EX. DRIVE AT FRONT DRIVE AT TREE
 EX. DRIVE AT FRONT DRIVE AT TREE
 EX. DRIVE AT FRONT DRIVE AT TREE
 EX. DRIVE AT FRONT DRIVE AT TREE



LILA FENDRICK
 landscape architecture & garden design
 6904 West Avenue Chevy Chase, Maryland 20815
 (301) 907-7700

27 PRIMROSE STREET, CHEVY CHASE, MD 20815

5 EAST ELEVATION
 SCALE AS NOTED

SELECT BLUE
 FLAGSTONE LANDING
 PLANTING AT
 DRIVEWAY (AND
 STONE CURB)

GRADE BEYOND AT
 STONE CURB

GRANITE CHECKER WALLS
 6" x 6" x 12" BALTIC
 GRANITE TREADS AND
 GRANITE RISERS

REVOLVO "NEW ORLEANS" LAMP
 POST AND BRONZE "FRENCH
 COUNTRY" LIGHT

⑤ ELEVATION OF EAST SIDE
 SIDE ELEVATION
 SCALE: 1/8" = 1'-0"

FENCE AND GATES

SPHERE TO HIDE
 DRIVE

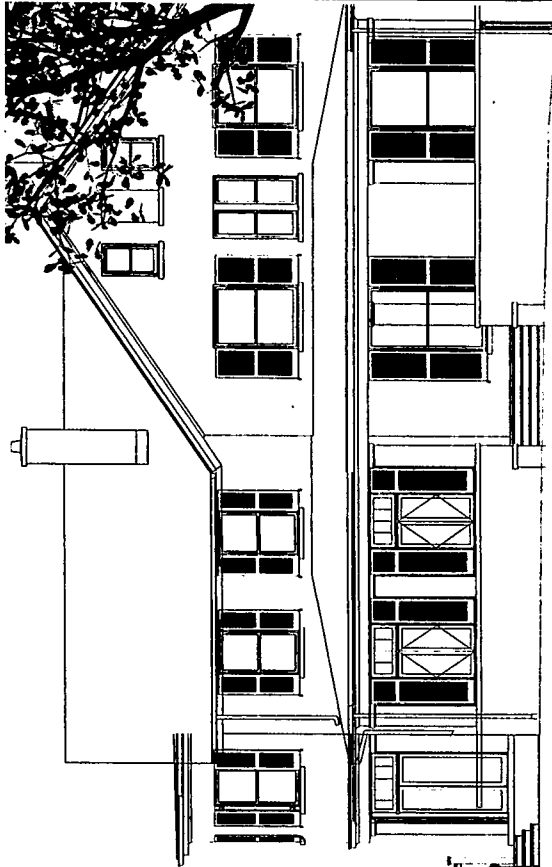
10'-0" WIDE
 LANDING

SEE PLANTING
 APPROXIMATE
 LOCATION OF ARTIST VOTED

9

WEST ELEVATION

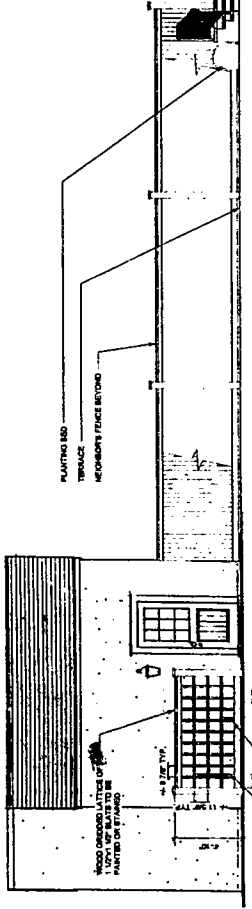
SCALE AS NOTED



SCALE: 1/4"=1'-0"

ELEVATION OF WEST SIDE

1/6" SIDE ELEVATION



PAINTING IS TO BE DONE AT THIS LOCATION

REWORK FENCE BEFORE

WOOD SHEDS TO BE PAINTED OR STAINED

1/2" x 2" x 4" STUDS

INSULATION

CONCRETE

SOUTHERN MAHOGANY IN FOREGROUND

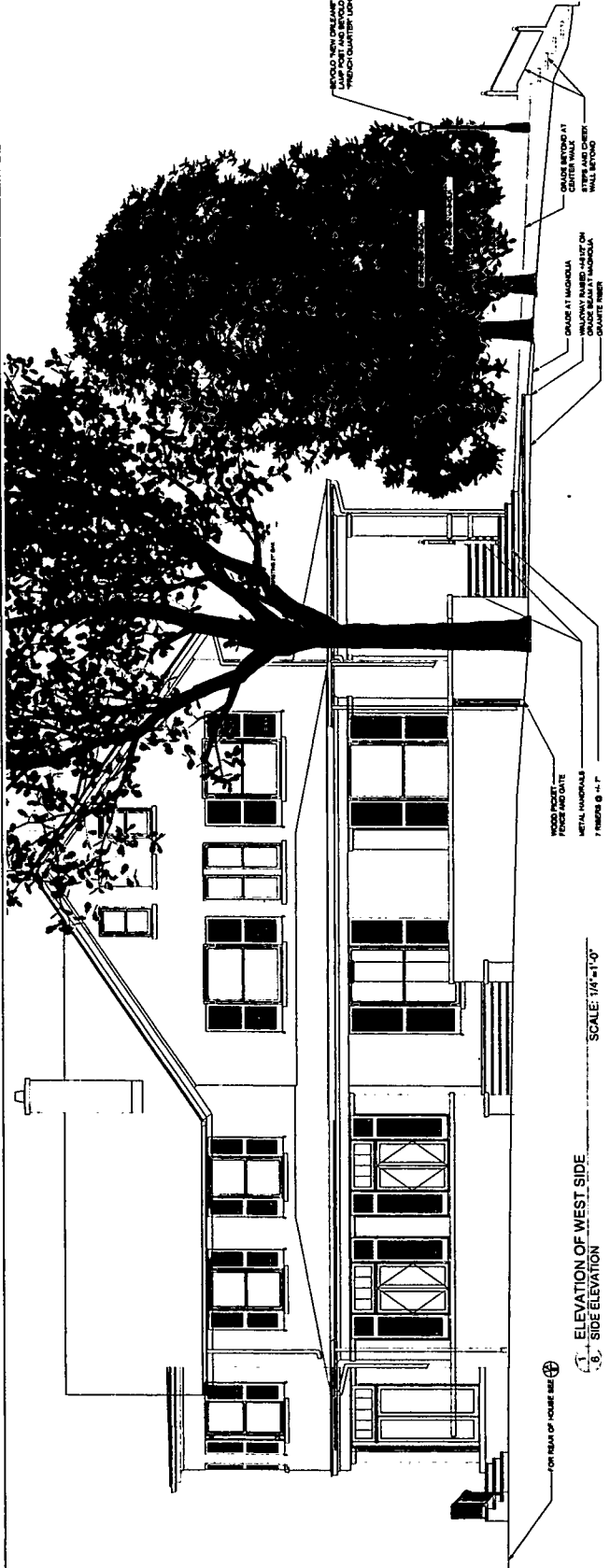
STERNHELL RESIDENCE

27 PRIMROSE STREET, CHEVY CHASE, MD 20815

LILA FENDRICK

landscape architecture & garden design

4904 West Avenue, Chevy Chase, Maryland 20815 (301) 907-7700



SCALE: 1/4"=1'-0"

ELEVATION OF WEST SIDE

1/6" SIDE ELEVATION

FOR REAR OF HOUSE SEE 8

WOOD PICKET FENCE AND GATE

METAL HANDRAILS 1" ROUNDS @ 4" C

ONLINE AT MAHOGANY WOODWAY NARROW GAUGE ON ONLINE REAR AT MAHOGANY

CONCRETE WALKWAY

ONLINE BEYOND AT CENTER WALK

WALK BEYOND

WOOD PICKET FENCE AND GATE

CONCRETE WALKWAY

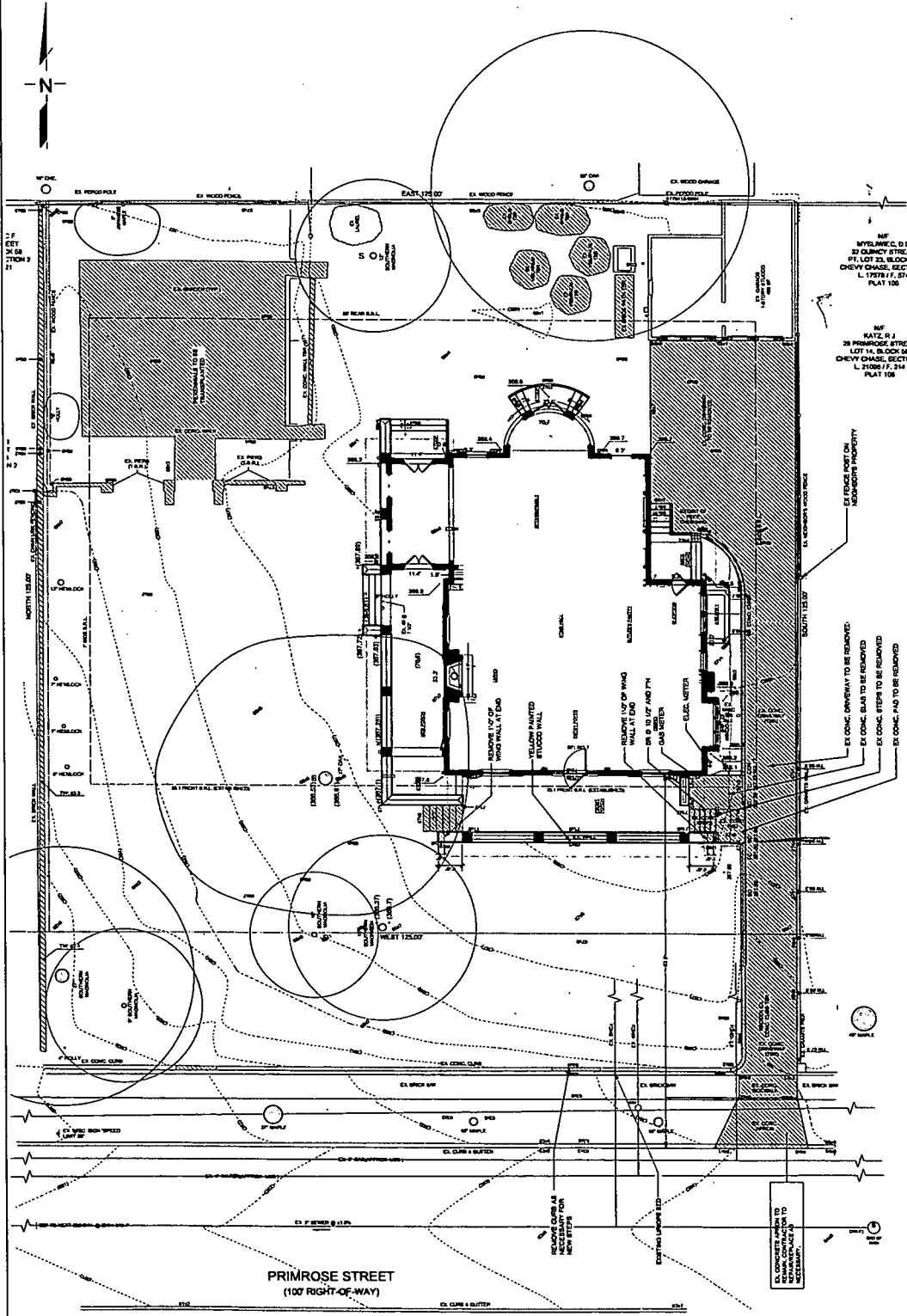
27 PRIMROSE STREET, CHEVY CHASE, MD 20815
STERNHELL RESIDENCE

EXISTING CONDITIONS PLAN
1/4" = 1'-0"

KEY

(---)	EXISTING TREES
(---)	PROPERTY LINE
(---)	EXISTING ELEVATION
(---)	INTERPOLATED EXISTING ELEVATION
(---)	PROPOSED ELEVATION
(---)	EXISTING CONTOUR
(---)	PROPOSED CONTOUR
(---)	WATER
(---)	SEWER
(---)	POWER POLE
(---)	SAFETY MAN
(---)	LIGHT POLE
(---)	SOB
(---)	EX. WOOD FENCE
(---)	EX. METAL FENCE
(---)	PROP. WOOD FENCE
(---)	TO BE TRANSPLANTED
(---)	TO BE REMOVED
(---)	TO BE RELOCATED
(---)	TO BE RELOCATED TO BE RELOCATED

NOTE: TERRAIN SURVEY PROVIDED BY C&G ENGINEERING



REF MYELINE, C. D. D.
32 CLUNY STREET
PT. LOT 13, BLOCK 58
CHEVY CHASE, SECTION 2
L. 1728 17, 214
PLAT 106

REF KATZ, R. J.
28 PRIMROSE STREET
LOT 14, BLOCK 58
CHEVY CHASE, SECTION 2
L. 1728 17, 214
PLAT 106

PRIMROSE STREET
(100' RIGHT-OF-WAY)

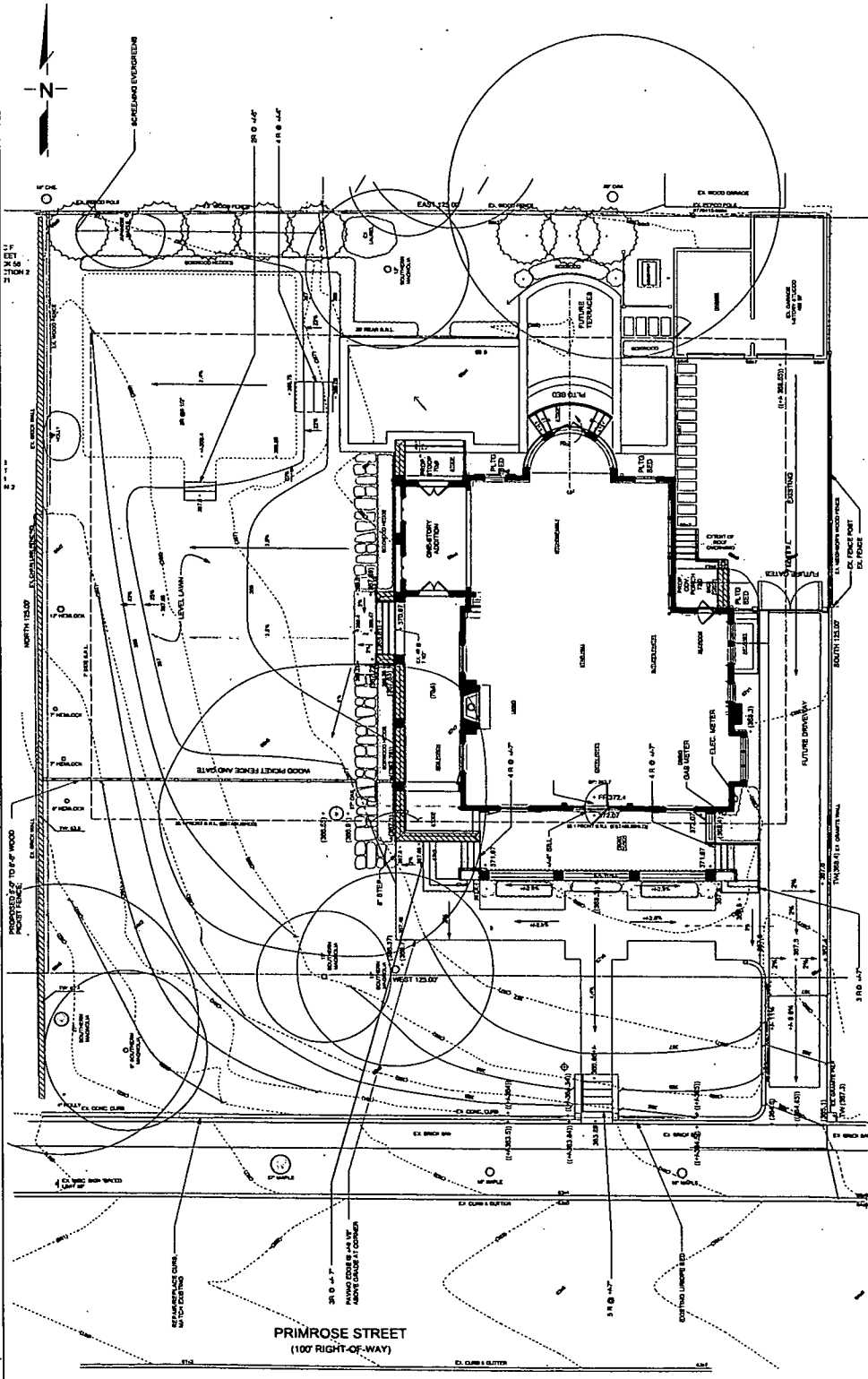
STERNHELL RESIDENCE
 27 PRIMROSE STREET, CHEVY CHASE, MD 20815

SCHEMATIC GRADING PLAN
 1/8" = 1'-0"

3

KEY

(Symbol: Circle with dot)	EXISTING TREES
(Symbol: Circle with cross)	PROPERTY LINE
(Symbol: Circle with horizontal lines)	EXISTING ELEVATION
(Symbol: Circle with vertical lines)	PROPOSED ELEVATION
(Symbol: Circle with diagonal lines)	PROPOSED ELEVATION
(Symbol: Circle with wavy lines)	EXISTING CONTOUR
(Symbol: Circle with dashed lines)	PROPOSED CONTOUR
(Symbol: Circle with solid lines)	PROPOSED CONTOUR
(Symbol: Circle with horizontal lines)	WATER
(Symbol: Circle with vertical lines)	SEWER
(Symbol: Circle with diagonal lines)	OVERHEAD LINE
(Symbol: Circle with horizontal lines)	UTILITY POLE
(Symbol: Circle with vertical lines)	UTILITY POLE
(Symbol: Circle with diagonal lines)	EX. WOOD FENCE
(Symbol: Circle with horizontal lines)	EX. METAL FENCE
(Symbol: Circle with vertical lines)	PROP. WOOD FENCE
(Symbol: Circle with diagonal lines)	PROP. WOOD FENCE
(Symbol: Circle with horizontal lines)	TO BE TRANSPLANTED
(Symbol: Circle with vertical lines)	TO BE REMOVED
(Symbol: Circle with diagonal lines)	EXISTING CONSTRUCTION
(Symbol: Circle with horizontal lines)	TO BE REMOVED



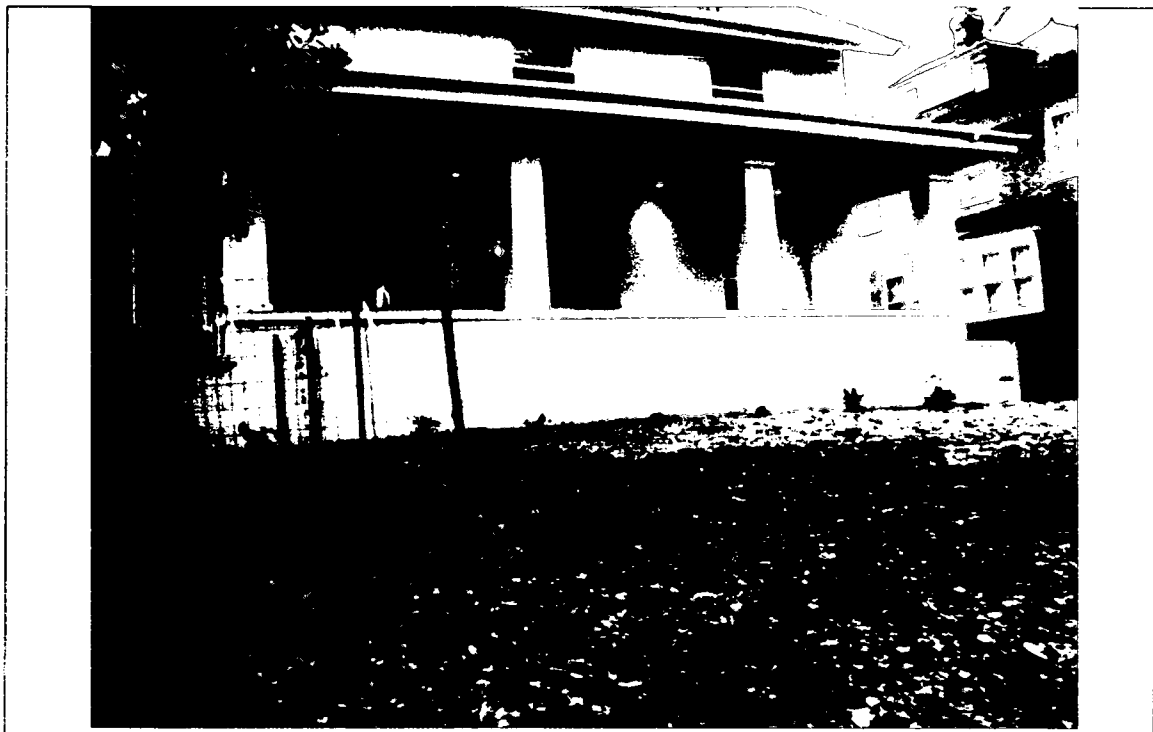
KF
 MYLWELC D D
 37 QUINCY STREET
 PT. LOT 23 BLOCK 50
 CHEVY CHASE, SECTION 2
 L. 17578 F.F. 574
 PLAT 105

KATZ, R J
 29 PRIMROSE STREET
 LOT 14, BLOCK 50
 CHEVY CHASE, SECTION 2
 L. 17578 F.F. 574
 PLAT 105

Existing Property Condition Photographs (duplicate as needed)

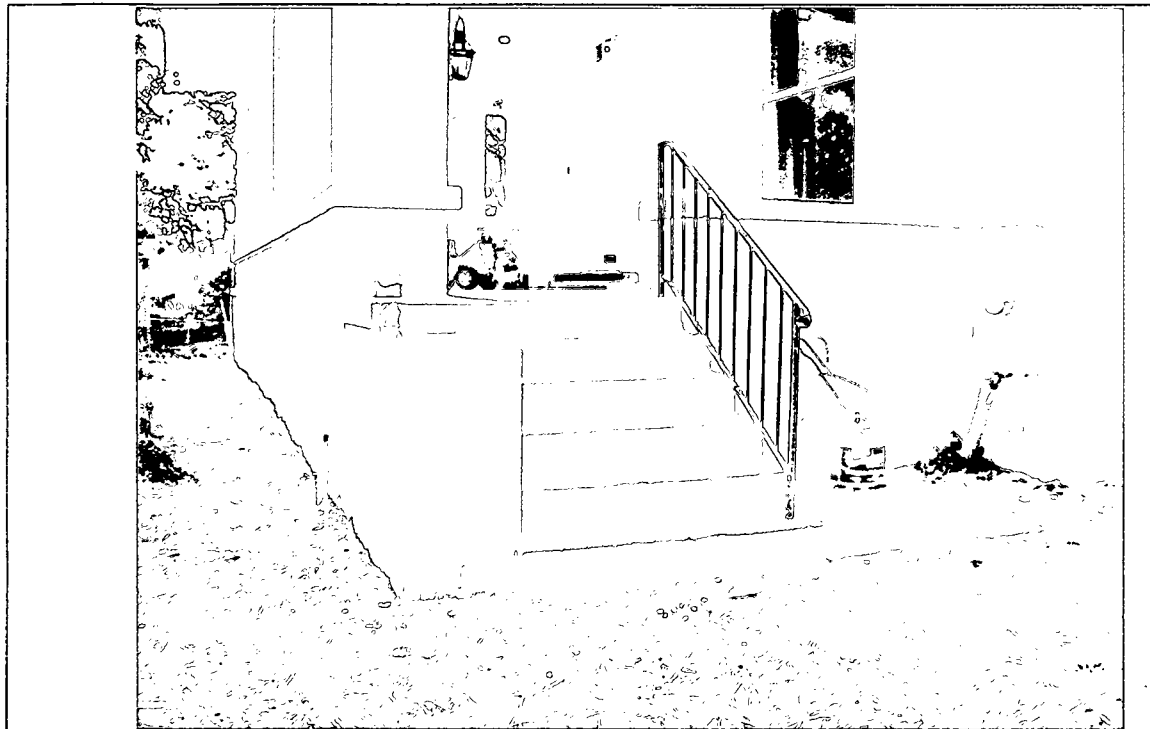


Detail: 1. Existing Driveway viewed from Primrose Street



Detail: 2. View of House from Primrose Street

Existing Property Condition Photographs (duplicate as needed)



Detail: 3. View of existing steps East side

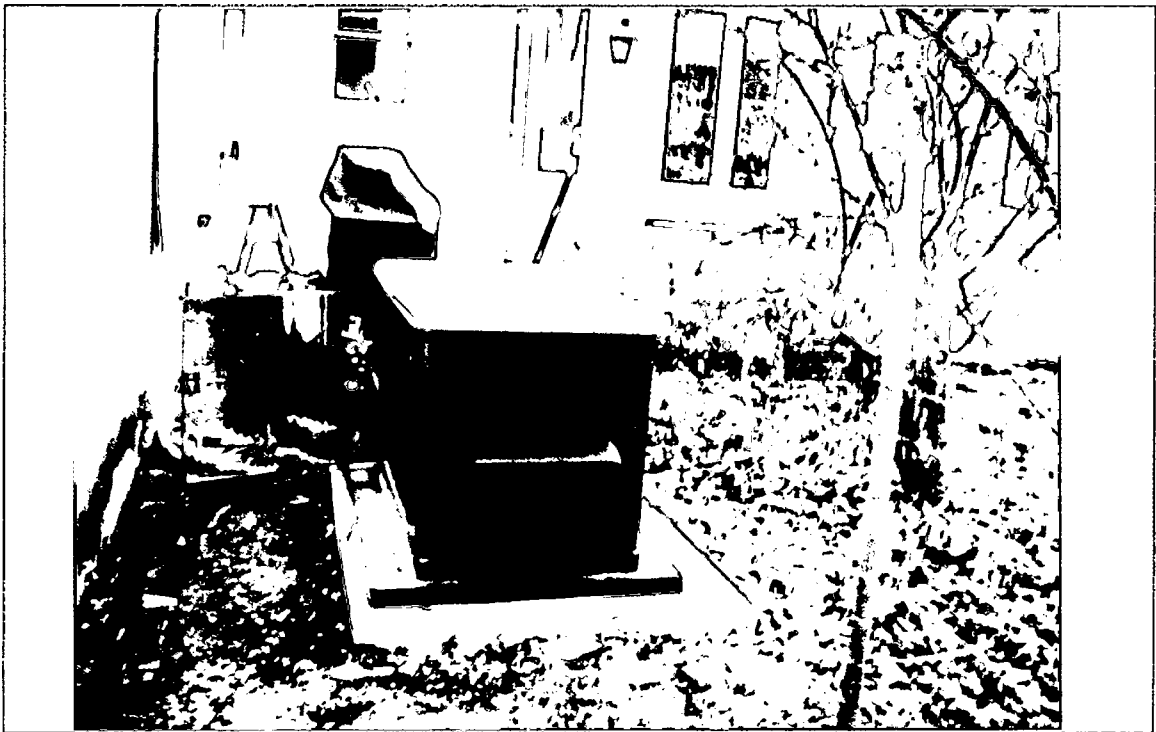


Detail: 4. Ex. driveway on East side

Existing Property Condition Photographs (duplicate as needed)



Detail: 5. Existing Driveway viewed from East side property line



Detail: 6. View of Generator from North side property line

Existing Property Condition Photographs (duplicate as needed)



Detail: 7. View from North property line



Detail: 8. View from North property line

Existing Property Condition Photographs (duplicate as needed)



Detail: 9. View from house towards West fence



Detail: 10. View from house towards West fence

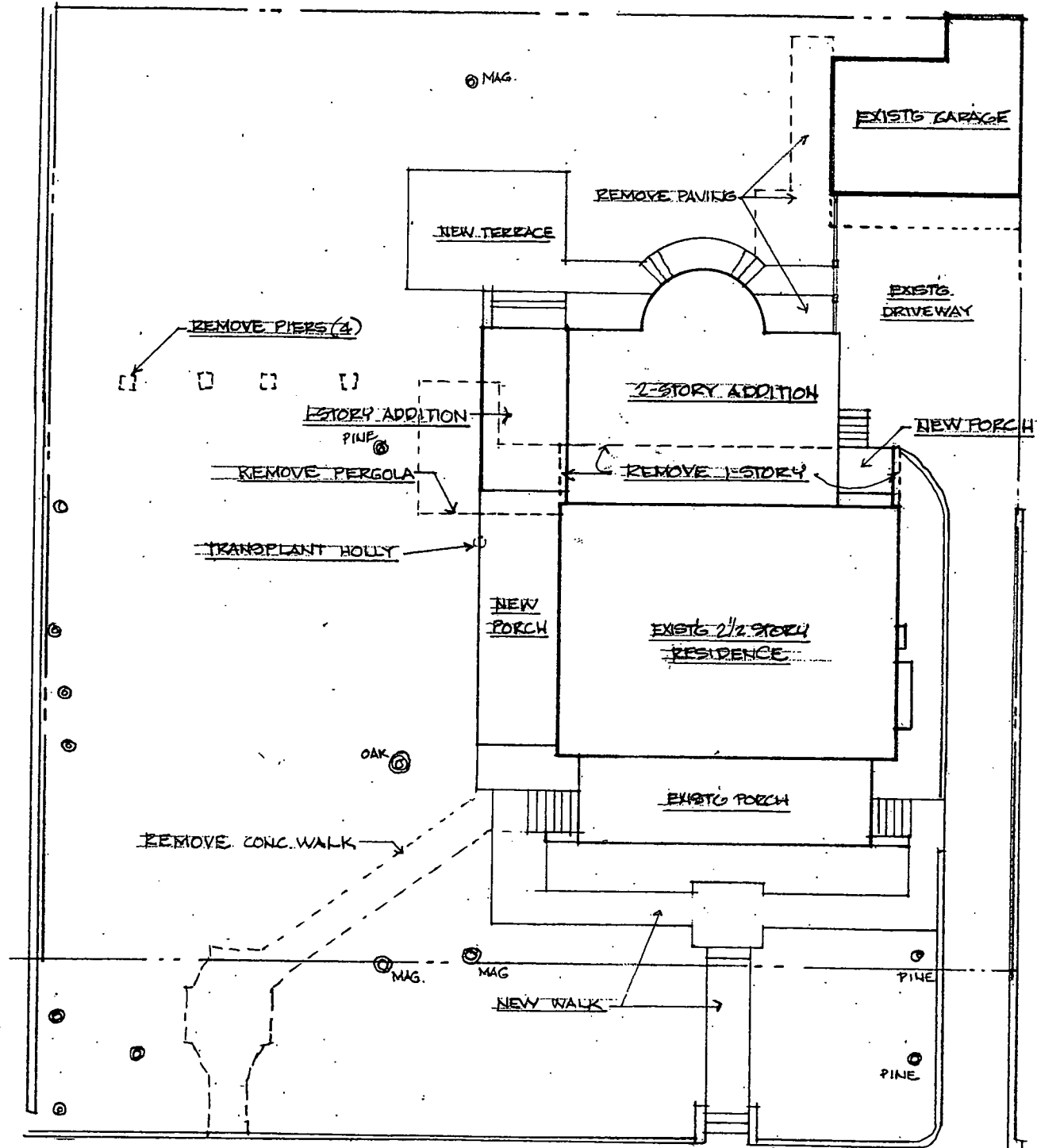
Existing Property Condition Photographs (duplicate as needed)



Detail: 11. View from house towards West fence



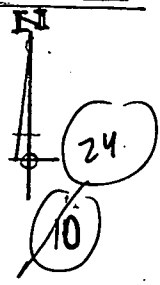
Detail: 12. View from West side neighbor



STEINHELL RESIDENCE • SITE PLAN @ 1"=20' • DAVID JONES ARCHITECTS

Approved by MPC

3.18.11



27 PM1022



Copyright ©2007 Pictometry International Corp.

26





