

31/6-90T 3913 Baltimore Street  
Kensington

tove

with

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HAWP PROCESSING CHECKLIST

Case No. 3/16-90T

Address: 3913 Baltimore Street, Kensington

Items Submitted:

Other Items Submitted: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

WRITTEN DESCRIPTION	PROJECT INTENT	PROJECT PLAN	TREE SURVEY	DESIGN FEATURES	FACADES	MATERIAL SPECIFICATIONS	PHOTOGRAPHS	PROPERTY OWNED ADDR.
NEW CONSTRUCTION	*	*	*	*	*	*	*	*
ADDITIONS	*	*	*	*	*	*	*	*
PARTIAL/TOTAL DEMO.	*	*	*				*	*
DECKS/PORCHES	*	*	*	*	*	*	*	*
FENCES/WALLS	*	*	*			*	*	*
DRIVES/PARKING AREAS	*	*	*	*		*	*	*
MAJOR LANDSCAP./GRADING	*	*	*	*		*	*	*
<u>TREE REMOVAL</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SIDING/ROOFING CHANGES	*	*	*		*	*	*	*
WINDOW/DOOR CHANGES	*	*	*	*	*	*	*	*
MASONRY REPAIR/REPOINT	*	*	*		*	*	*	*
SIGNS	*	*	*		*	*	*	*

Copy of Application sent to LAP: 11-16-90

Appearance Advertised: 11-28-90

Applicant/Prop. Owners Notified: 11-28-90

Revisions sent to LAP: N/A

Commission Action: Approved X Denied \_\_\_\_\_  
 Approved with conditions: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Copy of App. to Applicant: 12-5-90 Original Submission to DEP: 12-20-90

Decision logged on index card \_\_\_\_\_

Appropriate minutes filed: \_\_\_\_\_



# Historic Preservation Commission

51 Monroe Street, Suite 1001, Rockville, Maryland 20850  
217-3625

## APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # 1020322

NAME OF PROPERTY OWNER WALTER E. SCAMMIL TELEPHONE NO. 301-229-8184  
(Contract/Purchaser) RAHMUN B. MOYER  
(Include Area Code)

ADDRESS 3913 BALTIMORE STREET, KENSINGTON, MARYLAND 20895  
CITY STATE ZIP

CONTRACTOR N/A TELEPHONE NO. \_\_\_\_\_  
CONTRACTOR REGISTRATION NUMBER

PLANS PREPARED BY \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_  
(Include Area Code)

REGISTRATION NUMBER \_\_\_\_\_

LOCATION OF BUILDING/PREMISE

House Number 3913 Street BALTIMORE STREET

Town/City KENSINGTON Election District \_\_\_\_\_

Nearest Cross Street CONNECTICUT AVENUE

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision 15

Liber 8000 Folio 382 Parcel \_\_\_\_\_

1A. TYPE OF PERMIT ACTION: (circle one)

Construct	Extend/Add	Alter/Renovate	Repair	Circle One: A/C	Slab	Room Addition
Wreck/Raze	Move	Install	Revocable	Porch	Deck	Fireplace
			Revision	Fence/Wall (complete Section 4)	Shed	Solar
					Woodburning Stove	Other <u>REPAIRS</u>

1B. CONSTRUCTION COSTS ESTIMATE \$ N/A

1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # 603

1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY N/A

1E. IS THIS PROPERTY A HISTORICAL SITE? YES

### PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/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

4A. HEIGHT \_\_\_\_\_ feet \_\_\_\_\_ inches

4B. 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 \_\_\_\_\_ (Revocable Letter Required).

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.

Walter E. Scammil \_\_\_\_\_ Date 11/9/90  
 Signature of owner or authorized agent (agent must have signature notarized on back)

APPROVED \_\_\_\_\_ For Chairperson, Historic Preservation Commission

DISAPPROVED \_\_\_\_\_ Signature \_\_\_\_\_ Date 12/19/90

APPLICATION/PERMIT NO: 401140601 FILING FEE: \$ \_\_\_\_\_

DATE FILED: \_\_\_\_\_ PERMIT FEE: \$ \_\_\_\_\_

DATE ISSUED: \_\_\_\_\_ BALANCE \$ \_\_\_\_\_

OWNERSHIP CODE: \_\_\_\_\_ RECEIPT NO: \_\_\_\_\_ FEE WAIVED: \_\_\_\_\_

SEE REVERSE SIDE FOR INSTRUCTIONS

THE FOLLOWING ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION

DESCRIPTION OF PROPOSED WORK: (including composition, color and texture of materials to be used:)

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
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~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

(If more space is needed, attach additional sheets on plain or lined paper to this application)

ATTACH TO THIS APPLICATION (2) COPIES OF: SUCH SITE PLANS (lot dimensions, building location with dimensions, drives, walks, fences, patios, etc. proposed or existing) and/or ARCHITECTURAL DRAWINGS (floor plans, elevations, etc.), PHOTOGRAPHS OF THE AREA AFFECTED, as are necessary to fully describe the proposed work.

MAIL OR DELIVER THE APPLICATION AND ALL REQUIRED DOCUMENTS TO THE:  
HISTORIC PRESERVATION COMMISSION  
51 MONROE STREET, SUITE 1001  
ROCKVILLE, MARYLAND 20850



# Montgomery County Government

## MEMORANDUM

TO: Ray Shulman, Chairman  
Kensington Local Advisory Panel

FROM: Laura McGrath, Planning Specialist *LM*  
 Department of Housing and Community Development  
 Division of Community Planning and Development

DATE: 11-16, 1990

SUBJECT: Historic Area Work Permit Application

The attached application by Walter Schmitt / E. Hoyle for an Historic Area Work Permit at 313 Bellmore Street is being forwarded for review and comment by the Local Advisory Panel. If the Panel would like written comments to be included in the Historic Preservation Commission's pre-meeting packet, they should be received at our office by no later than 12-4-90, at 5:00 p.m. Otherwise, verbal and/or written comments may be presented at the Commission meeting scheduled for 12-12, 1990.

JBC:av  
 1549E  
 1/90

HISTORIC PRESERVATION COMMISSION STAFF REPORT

PREPARED BY: Laura McGrath

DATE: December 5, 1990

CASE NUMBER: 31/6-90T

TYPE OF REVIEW: HAWP

SITE/DISTRICT NAME: Kensington

PROPERTY ADDRESS: 3913 Baltimore Street

TAX CREDIT ELIGIBLE: No

DISCUSSION:

The applicants are requesting retroactive approval for the removal of a white pine tree from the rear of the property. The tree was damaged in a recent storm that produced a tornado in Kensington. The applicants felt the tree posed an imminent threat to their home and consulted with a tree service, which agreed with this estimation. The tree was then removed immediately.

STAFF RECOMMENDATION:

Staff recommends approval of the application based on criterion 24A-8 (b)(1) and (b)(4).

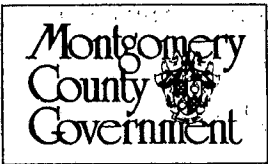
SENT TO LAP 11-16-90  
SENT TO APPLICANT 12-5-90

COMMENTS RECEIVED? No

ATTACHMENTS:

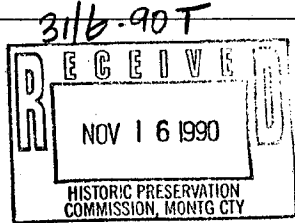
1. HAWP Application and Attachments
2. Additional Submittal from Applicant
3. Photographs
4. Additional Background Information

2314E



# Historic Preservation Commission

51 Monroe Street, Suite 1001, Rockville, Maryland 20850  
217-3625



## APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # 10 20322

NAME OF PROPERTY OWNER WALTER E. SCHMITT TELEPHONE NO. 301-929-8154  
(Contract/Purchaser) KATHRYN D. HOYLE (Include Area Code)

ADDRESS 3913 BALTIMORE STREET, KENSINGTON, MARYLAND 20855  
CITY STATE ZIP

CONTRACTOR N/A TELEPHONE NO. \_\_\_\_\_

PLANS PREPARED BY \_\_\_\_\_ CONTRACTOR REGISTRATION NUMBER \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_  
(Include Area Code)

REGISTRATION NUMBER \_\_\_\_\_

### LOCATION OF BUILDING/PREMISE

House Number 3913 Street BALTIMORE STREET

Town/City KENSINGTON Election District \_\_\_\_\_

Nearest Cross Street CONNECTICUT AVENUE

Lot 6 Block 10 Subdivision 15

Liber 8080 Folio 382 Parcel \_\_\_\_\_

- 1A. TYPE OF PERMIT ACTION: (circle one)
- |            |            |                |           |                                 |       |                    |      |       |                   |
|------------|------------|----------------|-----------|---------------------------------|-------|--------------------|------|-------|-------------------|
| Construct  | Extend/Add | Alter/Renovate | Repair    | Circle One: A/C                 | Slab  | Room Addition      |      |       |                   |
| Wreck/Raze | Move       | Install        | Revocable | Porch                           | Deck  | Fireplace          | Shed | Solar | Woodburning Stove |
|            |            |                |           | Fence/Wall (complete Section 4) | Other | <u>REMOVE TREE</u> |      |       |                   |
- 1B. CONSTRUCTION COSTS ESTIMATE \$ N/A
- 1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # NO
- 1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY N/A
- 1E. IS THIS PROPERTY A HISTORICAL SITE? YES

### PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/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

- 4A. HEIGHT \_\_\_\_\_ feet \_\_\_\_\_ inches
- 4B. 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 \_\_\_\_\_ (Revocable Letter Required).

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.

Walter E. Schmitt 11/9/90  
 Signature of owner or authorized agent (agent must have signature notarized on back) Date

APPROVED \_\_\_\_\_ For Chairperson, Historic Preservation Commission

DISAPPROVED \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

APPLICATION/PERMIT NO: 901140061 FILING FEE: \$ \_\_\_\_\_

DATE FILED: \_\_\_\_\_ PERMIT FEE: \$ \_\_\_\_\_

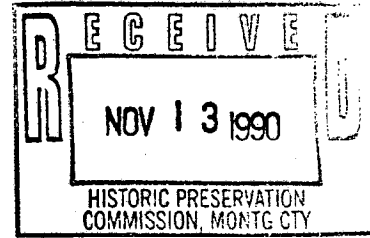
DATE ISSUED: \_\_\_\_\_ BALANCE \$ \_\_\_\_\_

OWNERSHIP CODE: \_\_\_\_\_ RECEIPT NO: \_\_\_\_\_ FEE WAIVED: \_\_\_\_\_

SEE REVERSE SIDE FOR INSTRUCTIONS

901140061

November 9, 1990



Laura E. McGrath  
Planning Specialist  
Historic Preservation Commission  
51 Monroe Street - Suite 1001  
Rockville, Maryland 20850-2419

Dear Ms. McGrath;

Please find enclosed "Application for Historic Area Work Permit", and "Required Attachments".

I am filing for a retro-active permit for removal of a tree that was damaged on October 18, 1990.

In the event you need additional information or if, in some way, the enclosed applications are incomplete or need clarification please be sure to contact me at either (301) 929-8154 or (301) 933-4430.

I thank you for your assistance in this matter.

A handwritten signature in cursive script that reads "Walter E. Schmitt".

Walter E. Schmitt  
3913 Baltimore Street  
Kensington, Maryland 20895

901140061

①



APPLICATION FOR HISTORIC AREA WORK PERMIT  
REQUIRED ATTACHMENTS

1. WRITTEN DESCRIPTION OF PROJECT

a. Description of existing structure(s):

Removal of tree damaged by storm of October 18, 1990.

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b. General Description of Project:

A tree, estimated 40' to 50' high, was removed from the property. The tree was damaged by the storm of October 18, 1990 causing the tree to lean toward the house at better than a 60 degree angle. The main trunk of the tree (see diagram) was within two to three feet of the peak of the roof of the house and chimney and we considered the removal of the tree on an emergency basis.

Considering that this is hurricane season we were fearful that another storm would send this tree crashing into our roof.

Damage to our property was caused by other tree damage from trees in our neighbors yards. Many trees were destroyed or damaged on Baltimore Street and in the surrounding neighborhood.

2. SITE PLAN. For all projects, attach an accurate site plan or property survey, which shall include the following:
  - a. Scale (for example, 1/4" = 1 foot)
  - b. North Arrow
  - c. Location and dimensions of all existing and proposed structures:
  - d. Location of other features such as walks, drives, fences, ponds, streams, dumpsters, mechanical equipment, and major landscaping elements.
3. TREE SURVEY. If any 6" diameter or larger trees are to be removed, or fall within the construction zone, attach an accurate tree survey. The survey should include the exact location, size, and species of all trees located in the project area, indicating which are to be preserved and which are to be removed.
4. FLOOR PLANS; CONSTRUCTION PLANS. For new construction and room additions, attach a complete set of scaled floor plans. For porches and decks, attach scaled drawings showing dimensions, materials, and where and how they will be attached to existing structures. For other types of work, such as outbuildings and fences, attach scaled drawings showing dimensions, materials, construction methods, and design details.
5. ELEVATION DRAWINGS. For new construction, including outbuildings, attach scaled drawings of all sides of the proposed structure. For additions, decks, porches, and major exterior alterations, attach scaled drawings of all sides of structure which will be affected by the proposed work.
6. MATERIAL SPECIFICATIONS. For all projects, provide a written description of all exterior materials to be used. If desired, material specifications may also be included as notes on elevation drawings. If available, manufacturer's literature may also be included.

N/A

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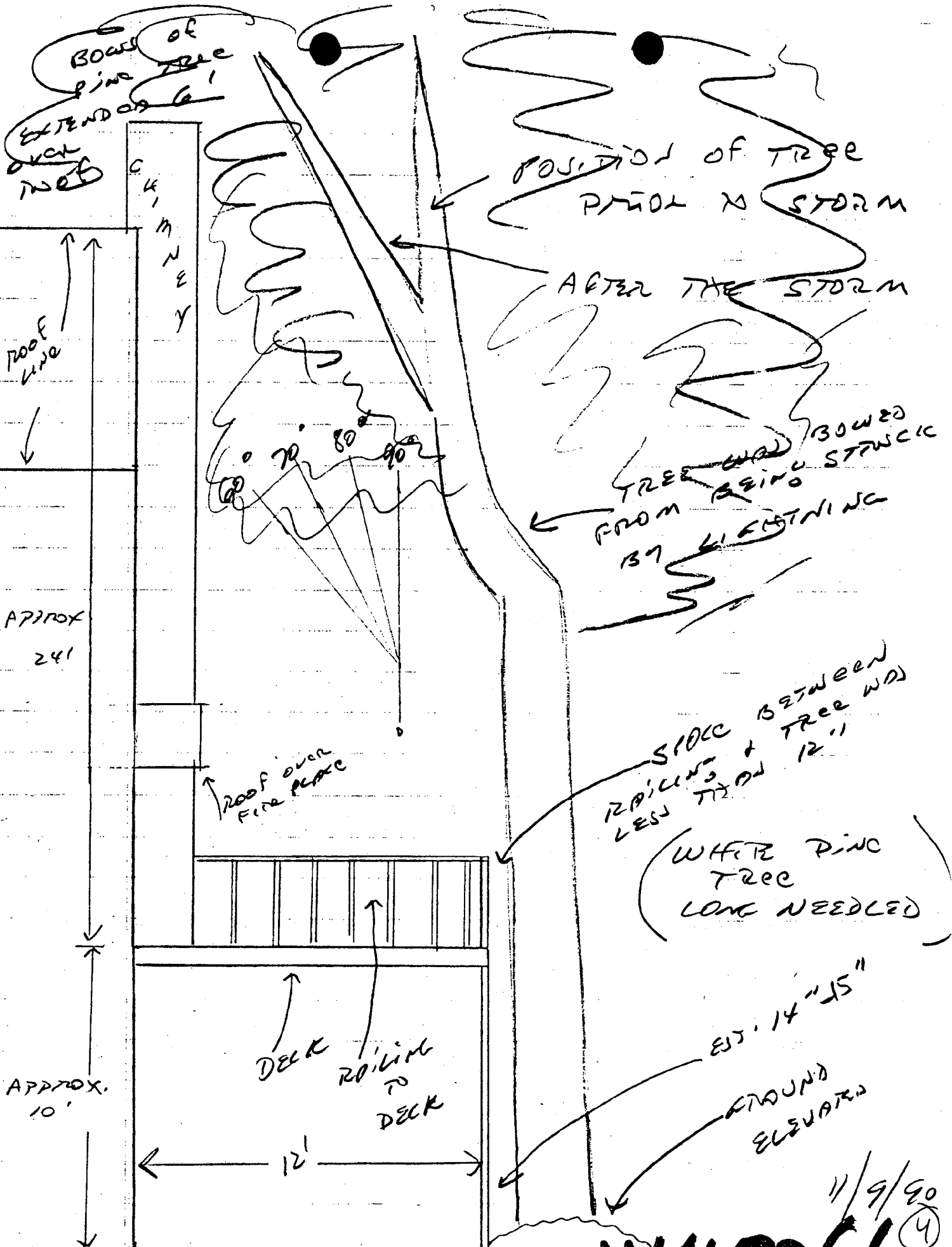
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BOARD OF PINE TREE EXTENDS OVER ROOF

CHIMNEY

ROOF LINE

APPROX 24'

ROOF OVER FIRE PLACE

DECK RAILING TO DECK

12'

APPROX 10'

GROUND LEVEL

POSITION OF TREE PRIOR TO STORM

AFTER THE STORM

TREE WAS BOWED FROM BEING STRUCK BY LIGHTNING

SPACE BETWEEN RAILING & TREE WAS LESS THAN 12"

(WHITE PINE TREE LONG NEEDED)

EST. 14" x 15"

GROUND ELEVATED

9011140061

11/9/90 (4)

Laura E. McGrath  
Planning Specialist  
Historic Preservation Commission  
51 Monroe Street - Suite 1001  
Rockville, Maryland 20850-2419

November 14, 1990

Dear Ms. McGrath;

Enclosed are some pictures taken of the tree (before and after) which was removed from 3913 Baltimore Street, Kensington, Maryland 20895.

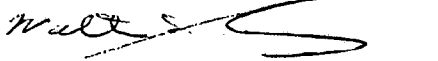
Page 1 shows the tree about 3 weeks prior to the storm of October 18, 1990. At that time the tree was already leaning radically toward the house. Page 2 shows the proximity of the trunk to the deck (less than 10" at the railing level" and the bottom picture shows how the ground was elevated surrounding the base of the tree. Page 3 shows damage to other trees within 80' of the tree that was removed. The limb in the picture on the left came down and damaged 4 or 5 bamboo plants; the right picture shows a limb which came down several days after the storm and fell into a large shrub. The angle of this tree is quite similar to the angle of the tree which was removed; perhaps I should apply for a permit to take this tree down as well.

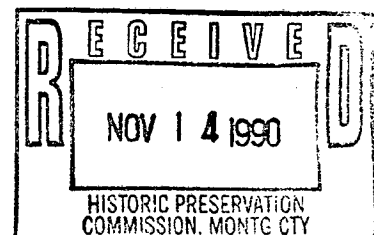
I had planned to apply for a permit to remove this tree this coming spring and had taken some pictures which show the damage the tree had done to the deck at the rear of the house as well as to shingles. The whitish material you see in the pictures is tree sap. I may have to replace the shingles and can only hope the sap will eventually erode elsewhere. I have been told that the only way I can get the sap off the deck and the railings is with gasoline. I do not have any pictures of the top of the house; I can only hope the damage from the tree sap will not have destroyed any shingles at that level.

I hope then enclosed pictures will answer some questions for you and please call if I can further explain the information enclosed.

Needless to say, I was not aware that a permit was needed to remove a tree damaged by a storm and was posing an imminent threat to my house; had I known this was necessary, rest assured, I would have applied for a permit.

Thank you;

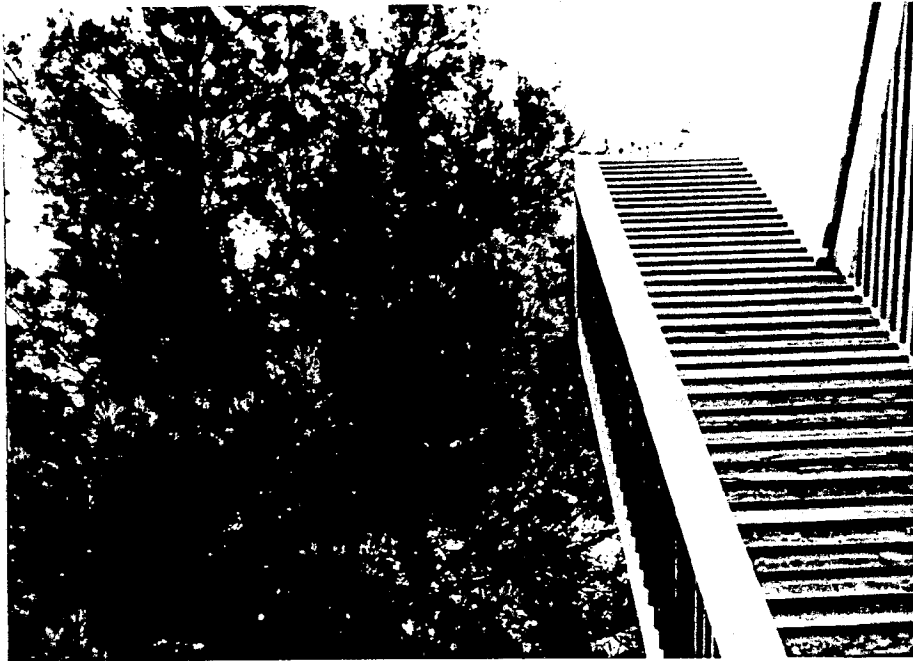
  
Walter E. Schmitt  
3913 Baltimore Street  
Kensington, Maryland 20895  
(301) 929-8154



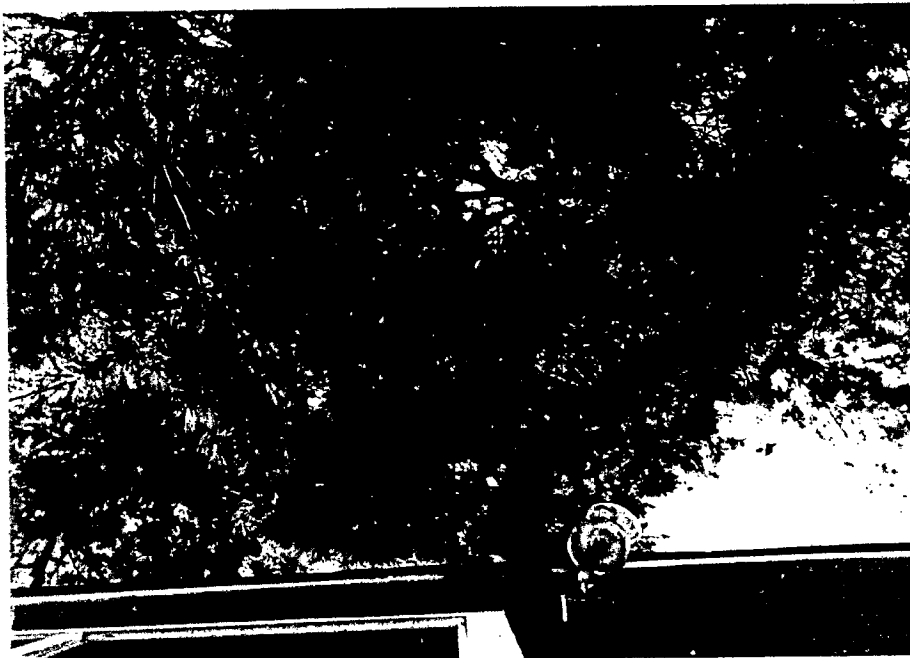
5

page  
1,

picture taken ABOUT 3 WEEKS BEFORE  
STORM. - following storm, the tree leaned  
further over towards the house at  
ANGLE THAT A 60° ANGLE.



SIDE VIEW  
(LOOKING UP FROM  
THE GROUND)

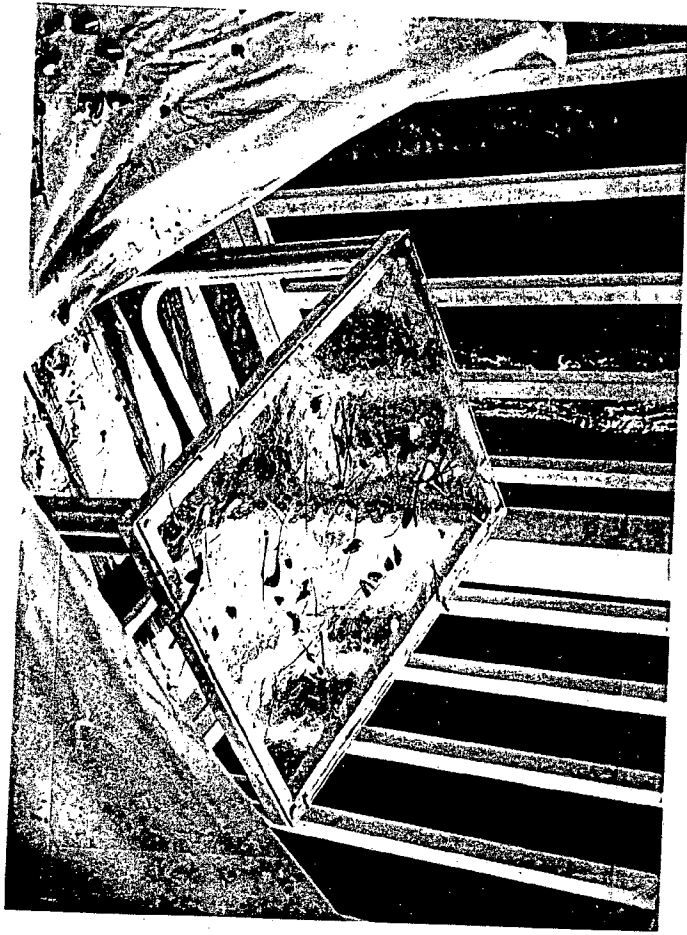


VIEW FROM DECK  
(LOOKING UP)

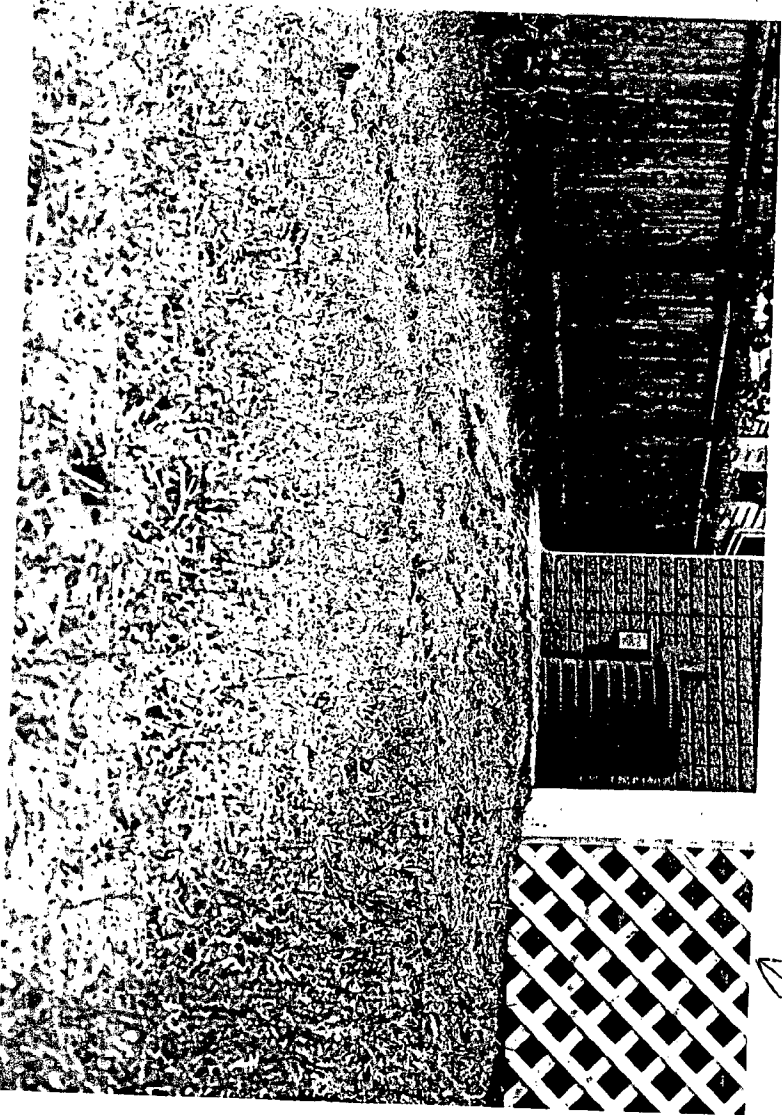
NOTE OVERHANG OF  
TREE

RECEIVED	
NOV 14 1990	
HISTORIC PRESERVATION COMMISSION, MONTG. CTY	

6



←  
OCE TREE  
DEC 12 AS DEC  
PROXIMATE  
LESS PROXIMATE



←  
FOLLOWING  
REMOVAL  
AREA

RECEIVED  
NOV 14 1990  
HISTORIC PRESERVATION  
COMMISSION, MONTGOMERY

(7)

PAGE 3

DAMAGE TO OTHER TREE.



↑  
LIMBS BROKE OFF  
FROM TREE IN NEIGHBOR'S  
YARD IN BACK OF OUR LOT.  
LIMBS FEW DAMAGING  
BAMBOO PLANTS.

↑  
LIMBS (DEAD) CAME  
DOWN ON SHRUBS.  
SEVERAL  
STORM DIRT APPEARED

RECEIVED	
NOV 14 1990	
HISTORIC PRESERVATION COMMISSION, MONTG. CTY	

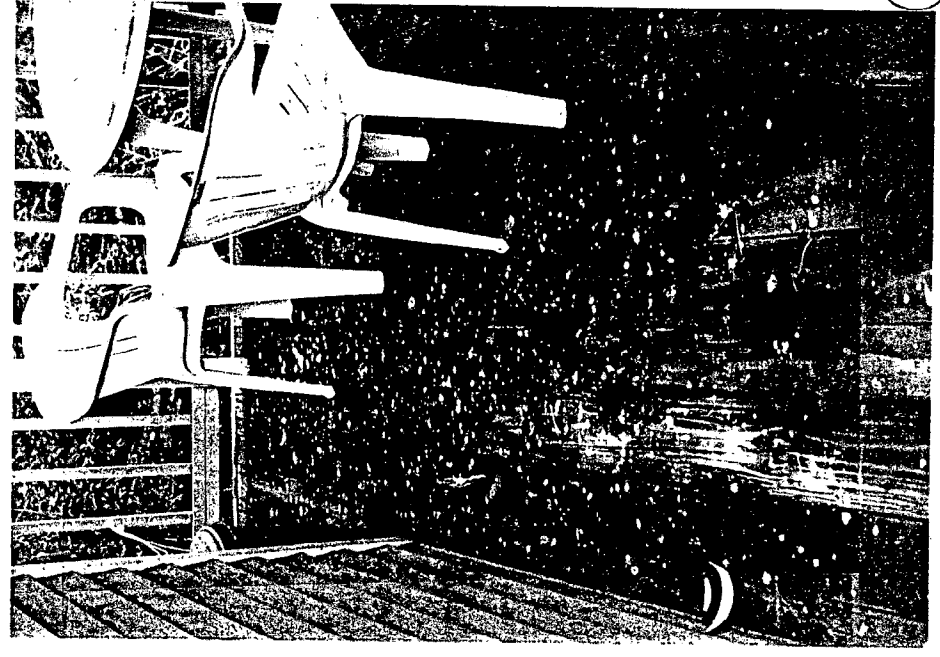
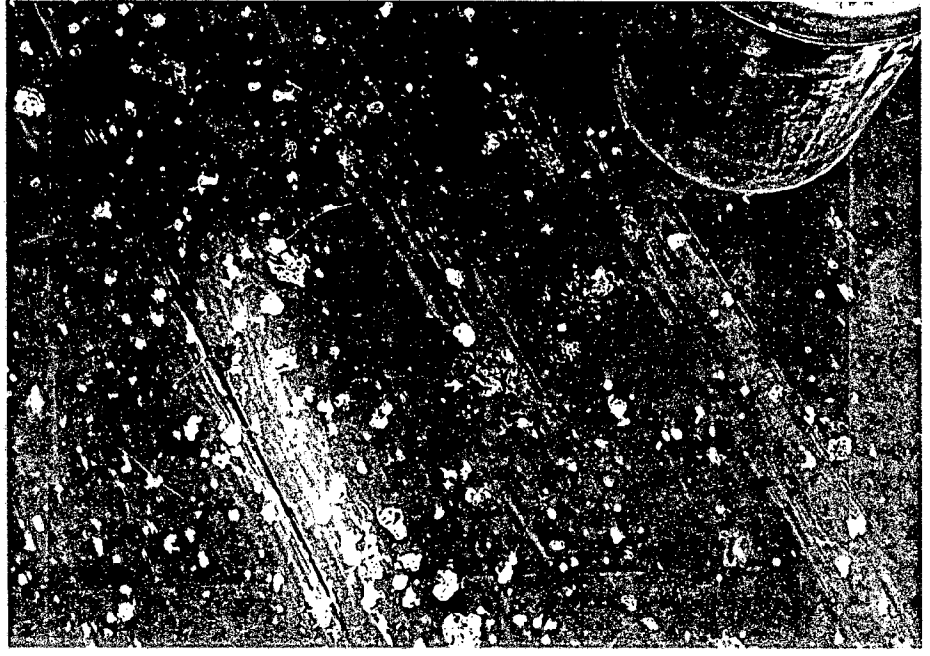
8

PAGES 4-5 TO SHOW DAMAGE TO DECK  
& ROOF FROM TREE STUMP

PAGE 4



RECEIVED  
APR 14 1990  
HISTORIC PRESERVATION



5

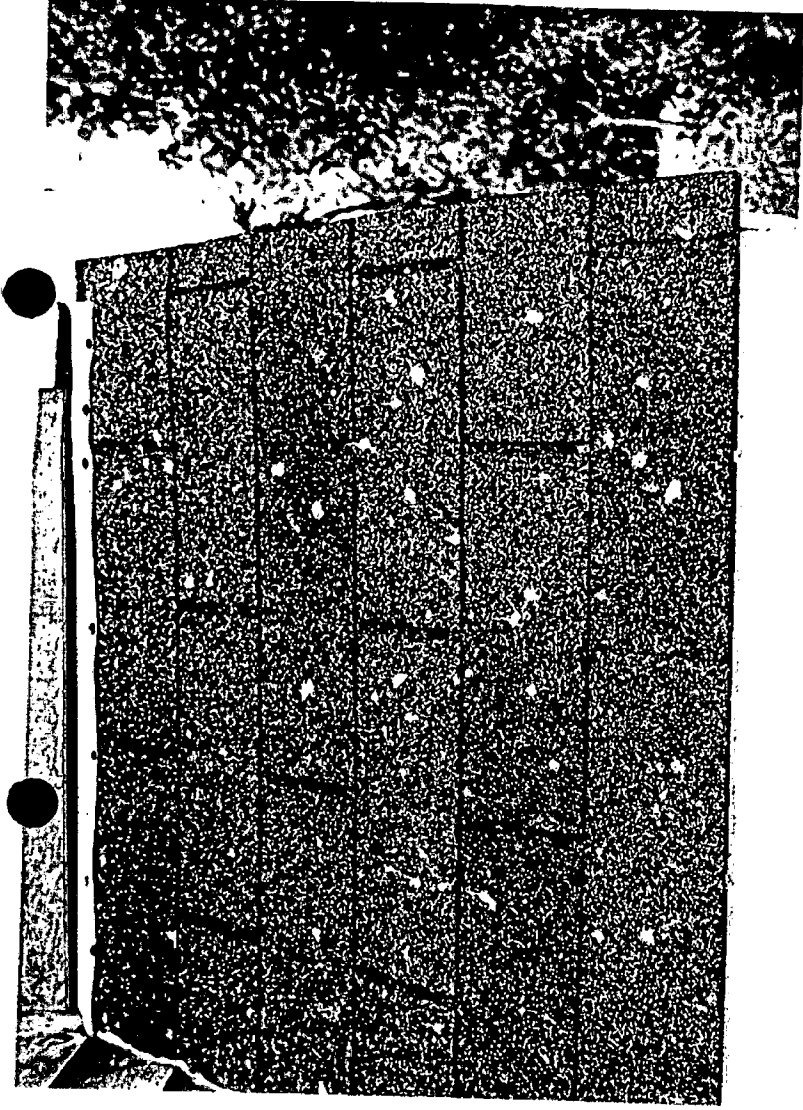


APC  
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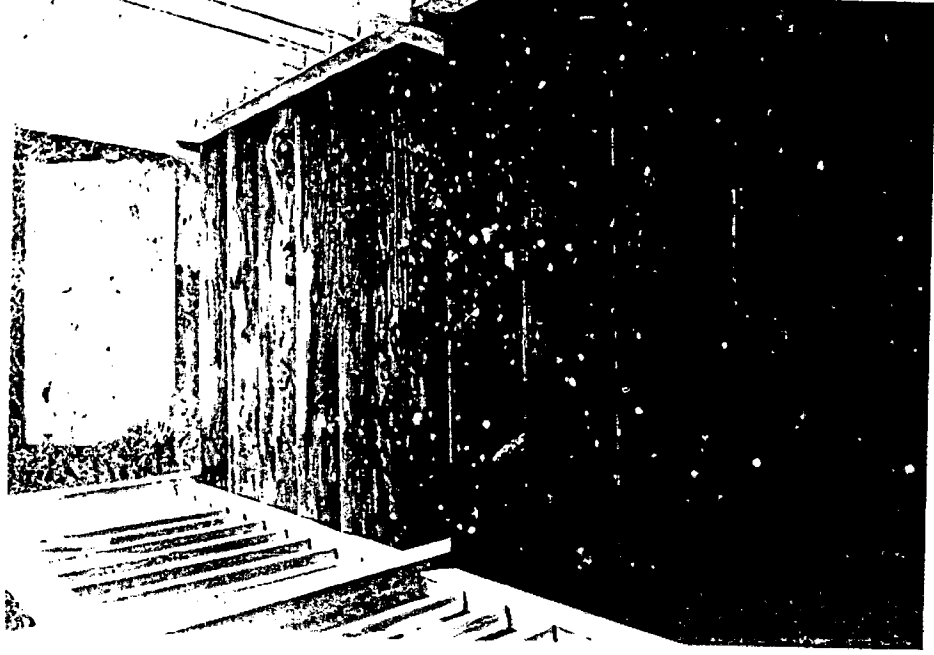
**R E C E I V E D**  
NOV 14 1990  
HISTORIC PRESERVATION



(P)



10  
198

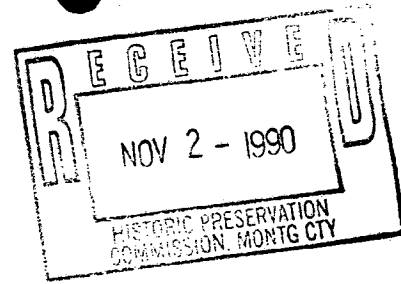


11

NOV 14 1990

HISTORIC PRESERVATION  
COMMISSION, MONTG. CTY.

October 31, 1990



#3114

Laura E. McGrath  
Planning Specialist  
Historic Preservation Commission  
51 Monroe Street  
Rockville, Maryland 20850-2419

Dear Ms. McGrath;

I received your letter regarding the tree that was removed from 3913 Baltimore Street, Kensington, Maryland 20895 this day.

As you may recall, it was reported that a tornado had touched down in Kensington on Thursday, October 18, and, that the Town of Kensington was hard hit. In fact, my neighbors tree was totally demolished by the storm. The damage to trees on Baltimore Street was terrible. Following the storm, I inspected the tree and the tree had, as a result of the storm, leaned over to less than two feet from the top of the roof of my house, at better than a 60 degree angle toward the house. I honestly felt that if a second storm were to hit, [this is hurricane season] that the tree would have come through the roof over my bedroom. I have witnesses to the condition of the tree following the storm. This tree had in the past been struck by lightning and was distorted about half way up causing the tree to grow in the direction of the house. The base of the tree was 14' to 15' from the house itself. In addition, the ground surrounding the tree, at the base of the tree, had risen giving further indication of damage. I consulted with a tree service and they further assured me that the storm had damaged the tree and that another storm would cause extensive damage to my house. The removal of the tree was quite precarious and took 6 men over 5 hours to take the tree down as it had to be taken down peice by peice in order to avoid damage to the house as well as a 12' by 28' deck at the rear of the house.

Needless to say, that I would not willfully take down a tree without due cause, however, in this case I believe I made the correct choice. I would not gamble on having the tree crash into the house. I assumed that a property owner has the right to protect his house in the event of a dire emergency, which, I felt was the case.

I would hope that this letter will suffice regarding your query and hope to receive a decision from you shortly.

Sincerely;

A handwritten signature in cursive script, appearing to read "Walter E. Schmitt". The signature is written in dark ink and is somewhat stylized.

Walter E. Schmitt

(12)



## Montgomery County Government

October 30, 1990

Walter E. Schmitt and Katherine D. Hoyle  
3913 Baltimore Street  
Kensington, Maryland 20895

Dear Mr. Schmitt and Ms. Hoyle:

It has recently come to my attention that you have removed a tree from your property at 3913 Baltimore Street, which is located within the Kensington Historic District (Master Plan District No. 31/6). Under Montgomery County Code Chapter 24A, Preservation of Historic Resources (enclosed), all exterior alterations on sites and properties within historic districts, including the removal of trees over 6 inches in caliper, requires approval from the Montgomery County Historic Preservation Commission and an Historic Area Work Permit. According to Section 24A-11 of Chapter 24A, any person who fails to comply with the requirements of the chapter shall be subject to punishment for a class A violation as set forth in section 1-19 of Chapter 1 of the County Code.

Prior to enforcement of Section 24A-11, however, I am requesting that you file for a retroactive Historic Area Work Permit and approval from the Historic Preservation Commission within 14 days of this letter. This will allow you the opportunity to present any information which lead to your decision to remove the tree. The application for an Historic Area Work Permit may be obtained from the Department of Environmental Protection at 738-3110. The next available Historic Preservation Commission meeting at which your application could be considered is Wednesday, November 28, 1990.

Please call me at 217-3625 with any questions regarding this matter. Your cooperation is appreciated.

Sincerely,

*Laura E. McGrath*  
Laura E. McGrath,  
Planning Specialist

Enclosure

2238E

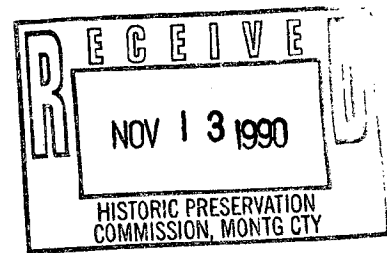
Historic Preservation Commission

51 Monroe Street, Rockville, Maryland 20850-2419, 301/217-3625

(13)

October 31, 1990

Laura E. McGrath  
Planning Specialist  
Historic Preservation Commission  
51 Monroe Street  
Rockville, Maryland 20850-2419



Dear Ms. McGrath;

I received your letter regarding the tree that was removed from 3913 Baltimore Street, Kensington, Maryland 20895 this day.

As you may recall, it was reported that a tornado had touched down in Kensington on Thursday, October 18, and, that the Town of Kensington was hard hit. In fact, my neighbors tree was totally demolished by the storm. The damage to trees on Baltimore Street was terrible. Following the storm, I inspected the tree and the tree had, as a result of the storm, leaned over to less than two feet from the top of the roof of my house, at better than a 60 degree angle toward the house. I honestly felt that if a second storm were to hit, [this is hurricane season] that the tree would have come through the roof over my bedroom. I have witnesses to the condition of the tree following the storm. This tree had in the past been struck by lightning and was distorted about half way up causing the tree to grow in the direction of the house. The base of the tree was 14" to 15" from the house itself. In addition, the ground surrounding the tree, at the base of the tree, had risen giving further indication of damage. I consulted with a tree service and they further assured me that the storm had damaged the tree and that another storm would cause extensive damage to my house. The removal of the tree was quite precarious and took 6 men over 5 hours to take the tree down as it had to be taken down peice by peice in order to avoid damage to the house as well as a 12' by 28' deck at the rear of the house.

Needless to say, that I would not willfully take down a tree without due cause, however, in this case I believe I made the correct choice. I would not gamble on having the tree crash into the house. I assumed that a property owner has the right to protect his house in the event of a dire emergency, which, I felt was the case.

I would hope that this letter will suffice regarding your query and hope to receive a decision from you shortly.

Sincerely;

Walter E. Schmitt