

4901 Dorset Avenue, Chevy Chase

[APC Case # 35/36 89 B]

Somerset Historic District



## HISTORIC PRESERVATION COMMISSION


Isiah Leggett  
County Executive

David Rotenstein  
Chairperson

Date: September 11, 2009

### MEMORANDUM

TO: Carla Reid, Director  
Department of Permitting Services

FROM: Josh Silver, Senior Planner   
Historic Preservation Section  
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #519578, tree removal

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The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **approved** at the September 9, 2009 meeting.

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

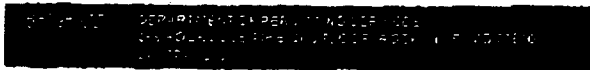
THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HAWP CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.

Applicant: Brenda Gruss & Daniel Hirsch

Address: 4901 Dorset Avenue, Somerset

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 complete the applicant will contact the staff person assigned to this application at 301-563-3400 or [joshua.silver@mncppc-mc.org](mailto:joshua.silver@mncppc-mc.org) to schedule a follow-up site visit.





OPS-88

HISTORIC PRESERVATION COMMISSION  
301/563-3400

APPLICATION FOR  
HISTORIC AREA WORK PERMIT

Contact Person: Brenda Gruss  
 Daytime Phone No.: 301-254-7299  
 Tax Account No.: 00536968  
 Name of Property Owner: Brenda Gruss and Daniel Hirsch Daytime Phone No.: 202-508-4812  
 Address: 4901 Dorset Avenue, Chevy Chase, Maryland, 20815  
 Street Number City State Zip Code  
 Contractor: Bartlett Tree Service Phone No.: \_\_\_\_\_  
 Contractor Registration No.: Tree Expert 390, T. Zastrow  
 Agent for Owner: None Daytime Phone No.: N/A

LOCATION OF BUILDING/PERMISE

House Number: 4901 Street: Dorset Avenue  
 Town/City: Somerset Nearest Cross Street: Devon Lane  
 Lot: 12 Block: 2 Subdivision: 044 (District 7) (Somerset Heights)  
 User: \_\_\_\_\_ Parcel: \_\_\_\_\_

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

<input type="checkbox"/> Construct	<input type="checkbox"/> Extend	<input type="checkbox"/> Alter/Revitalize	<input type="checkbox"/> A/C	<input type="checkbox"/> Stair	<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"/> Whack/Flare	<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 type="checkbox"/> Fence/Wall (complete Section 4)	<input checked="" type="checkbox"/> Other: <u>Tree replacement</u>				

1B. Construction cost estimate: \$ Under \$4,000 based on estimates.  
 1C. If this is a revision of a previously approved active permit, see Permit # N/A

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTERIOR DOORINGS

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

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

Brenda Gruss 8/24/09  
 Signature of owner or authorized agent Date

Approved: [Signature] For Chairman, Historic Preservation Commission  
 Disapproved: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: 9/11/09  
 Application/Permit No.: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Case I used: \_\_\_\_\_

Ed: 6/21/99

SEE REVERSE SIDE FOR INSTRUCTIONS

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

**1. WRITTEN DESCRIPTION OF PROJECT**

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

The existing structure is a two story, single family house with a below grade two car garage. Originally built circa 1915, major additions, alterations and renovations were undertaken circa 1938, 1970 and 1991. The house sits on a residential lot of approximately 19,000 sq. ft. surrounded by other suburban homes on similarly sized lots. I am not aware of particular historical features or significance beyond what is listed for the Somerset Historic District.

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

The application is for permission to replace two relatively recently planted trees in the rear of the property: (1) a 14 year old river birch and, (2) a 20 year old hemlock. The trees will be removed and new trees of a more suitable species will be planted in the yard. Removal of the river birch, which is growing within approximately 10 feet of and over the house, may protect the house from encroaching limbs over the roof and chimney and from roots pressing against the foundation and a retaining wall. Replacement of both trees would not have any material effect on the environmental setting or the historic district.  
See continuation sheet.

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**2. SITE PLAN**

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

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

**3. PLANS AND ELEVATIONS**

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

- a. Schematic construction plans, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
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**4. MATERIALS SPECIFICATIONS**

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

**5. PHOTOGRAPHS**

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
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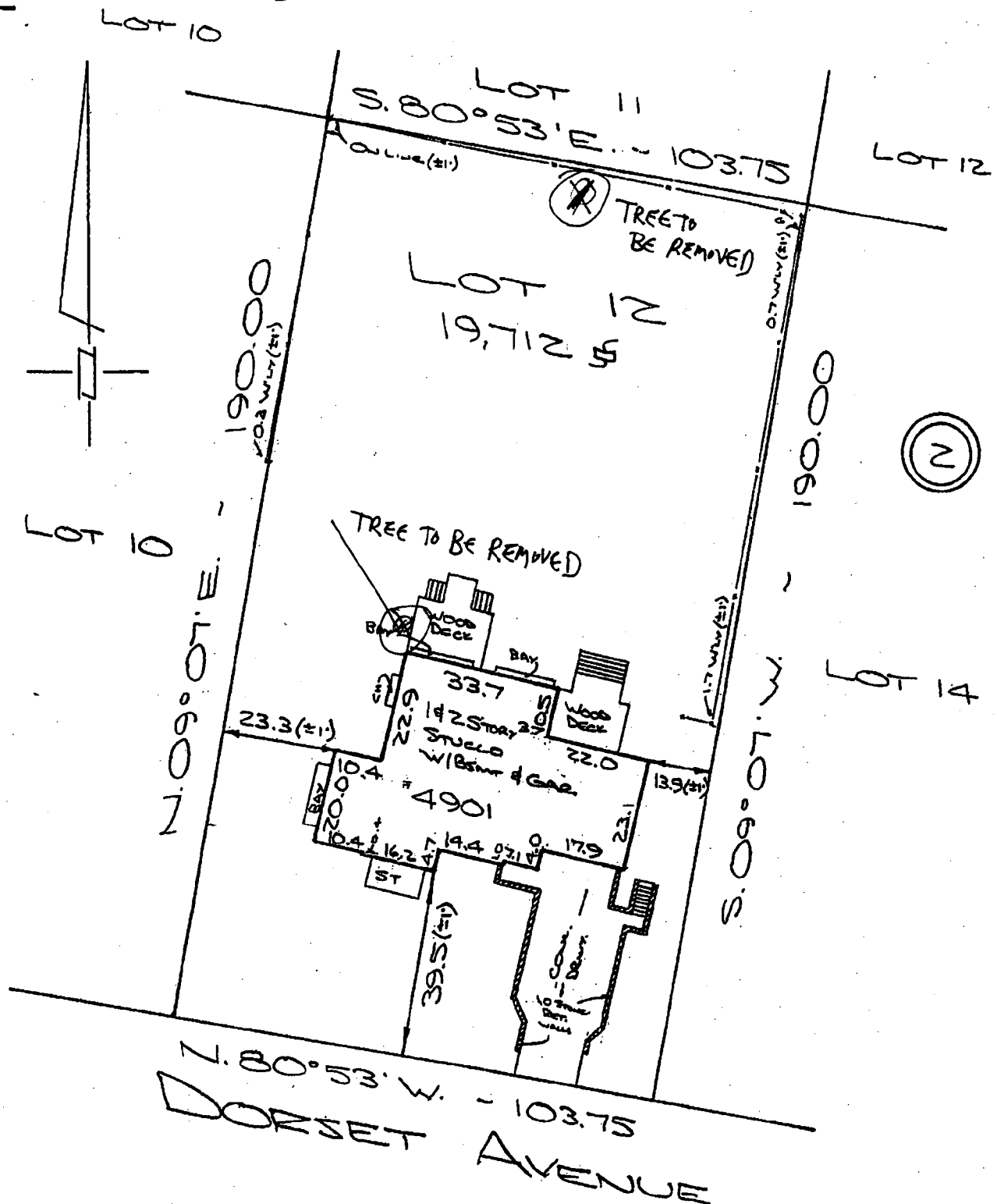
**6. TREE SURVEY**

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

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

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

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- (X) - River Birch
- (2) - Hemlock

*John L. ... 9/14/09*

Copy light  
for pictures

***EXPEDITED***  
**MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION**  
**STAFF REPORT**

<b>Address:</b>	4901 Dorset Avenue, Somerset	<b>Meeting Date:</b>	9/9/2009
<b>Resource:</b>	Non-Contributing Resource <b>Somerset Historic District</b>	<b>Report Date:</b>	9/2/2009
<b>Applicant:</b>	Brenda Gruss & Daniel Hirsch	<b>Public Notice:</b>	8/26/2009
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	No
<b>Case Number:</b>	35/36-09B	<b>Staff:</b>	Josh Silver
<b>PROPOSAL:</b>	Tree removal		

**STAFF RECOMMENDATION**

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

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** Non-Contributing Resource within the Takoma Park Historic District  
**STYLE:** Modern  
**DATE:** 1991

**PROPOSAL:**

The applicants are proposing to remove two trees (30-35" diameter River Birch and 15" diameter Hemlock) from the rear of the property. One Magnolia tree will be planted to mitigate the removal of the two trees. The River Birch presents a potential hazard to the house foundation and site features and the Hemlock tree is in a deteriorated condition. An extensive reforestation effort at the property has been in process since 1991 that included planting approximately two dozen trees.

**APPLICABLE GUIDELINES:**

**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 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. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

**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 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 [joshua.silver@mncppc-mc.org](mailto:joshua.silver@mncppc-mc.org) to schedule a follow-up site visit.





SOMERSET DEPARTMENT OF PERMITS AND INSPECTIONS  
255 ROCKVILLE PIKE, 1ST FLOOR, ROCKVILLE, MD 20850  
202-772-6372

OPS - #1

**HISTORIC PRESERVATION COMMISSION  
301/563-3400**

**APPLICATION FOR  
HISTORIC AREA WORK PERMIT**

Contact Person: Brenda Gruss  
 Daytime Phone No.: 301-254-7289  
 Tax Account No.: 00536968  
 Name of Property Owner: Brenda Gruss and Daniel Hirsch Daytime Phone No.: 202-508-4812  
 Address: 4901 Dorset Avenue, Chevy Chase, Maryland, 20815  
 Street Number 4901 City Chevy Chase State Md Zip Code 20815  
 Contractor: Bartall Tree Service Phone No.: \_\_\_\_\_  
 Contractor Registration No.: Tree Expert 390, T. Zastrow  
 Agent for Owner: None Daytime Phone No.: N/A

**LOCATION OF BUILDING/PREMISE**

House Number: 4901 Street: Dorset Avenue  
 Town/City: Somerset Nearest Cross Street: Devon Lane  
 Lot: 12 Block: 2 Subdivision: 044 (District 7) (Somerset Heights)  
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**PART ONE: TYPE OF PERMIT ACTION AND USE**

1A. CHECK ALL APPLICABLE:

<input type="checkbox"/> Construct	<input type="checkbox"/> Extend	<input type="checkbox"/> Alter/Renovate	<input type="checkbox"/> A/C	<input type="checkbox"/> Slab	<input type="checkbox"/> Room Addition	<input type="checkbox"/> Porch	<input type="checkbox"/> Deck	<input type="checkbox"/> Shed
<input type="checkbox"/> Move	<input type="checkbox"/> Install	<input type="checkbox"/> Wreck/Raze	<input type="checkbox"/> Solar	<input type="checkbox"/> Fireplace	<input type="checkbox"/> Woodburning Stove	<input type="checkbox"/> Single Family		
<input type="checkbox"/> Revision	<input type="checkbox"/> Repair	<input type="checkbox"/> Reweave	<input type="checkbox"/> Fence/Wall (except Section 4)		<input checked="" type="checkbox"/> Other: <u>Tree replacement</u>			

1B. Construction cost estimate: \$ Under \$4,000 based on estimates.  
 1C. If this is a revision of a previously approved active permit, see Permit # N/A

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

Brenda Gruss  
Signature of owner or authorized agent

8/24/09  
Date

Approved: \_\_\_\_\_ For Chairperson, Historic Preservation Commission  
 Disapproved: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Application/Permit No.: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_

Edt: 6/21/99

**SEE REVERSE SIDE FOR INSTRUCTIONS**

3

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4

Item 7. Property Owners – Adjacent

Dr William C. Liu  
4905 Dorset Avenue  
Chevy Chase, MD 20815

Alex and Melanie Krynitsky  
4902 Cumberland Ave  
Chevy Chase, MD 20815

Anne Coffey and Alan Proctor  
4900 Cumberland Ave  
Chevy Chase, MD 20815

Sharon Stoliaroff and John Stewart  
4823 Dorset Avenue  
Chevy Chase, MD 20815

Sarah Patton and Leo Mondale  
4902 Dorset Avenue  
Chevy Chase, MD 20815

Cynthia Schollard and Mario Gobbo  
4906 Dorset Avenue  
Chevy Chase, MD 20815

4901 Dorset Avenue, Chevy Chase, MD 20815  
Continuation sheet

**Item 1. Written Description of Project (con't)**

The river birch was planted in approximately 1995. It is in good health, with three main trunks each approximately 30 to 35 inches diameter at 4 feet from the ground. The tree is currently taller than, and with one section growing over, the house. (Picture 2). It was planted in an area bounded on two sides by a timber retaining wall, on the third by a flagstone walkway and on the fourth by deck. The roots are pushing against the retaining wall in one direction, and toward the house foundation in another (Picture 6). Part of the tree is growing over the chimney (Picture 5).

The hemlock was planted some time in the late 1980s. It is weak but not yet dying, with a trunk approximately 15 inches diameter at 4 feet from the ground. However, in approximately 25 years it has not thrived. It is stunted, with almost no needles on top; it is thin and does not provide the intended screening. It is growing directly under a neighbor's black walnut tree, a species which is well known to retard the growth of many other trees and plants. A different species may fare better in this location. A magnolia is growing more successfully nearby, and I intend to reforest with a magnolia.

Finally, I wanted to note that I may in the future seek permission to place a porch or porch-workroom in approximately the same footprint where there is currently a deck and stairs adjacent to the river birch (see site plan plat and Picture 2). While the river birch is very close to the existing deck, a new porch or porch-workroom would not require its removal – as it would not extend to where the river birch is growing. The tree is simply too close to the house and pushing out an existing retaining wall.

I have planted approximately two dozen trees on the property since 1991, most of which survive. Sometimes, however, prudent management requires removal of weak trees or planting mistakes and I request a permit to remove the two trees listed on this application.

**Item 3. Plans and Elevations.**

There are no building plans. This application is to remove two trees.

**Item 4. Materials Specifications.**

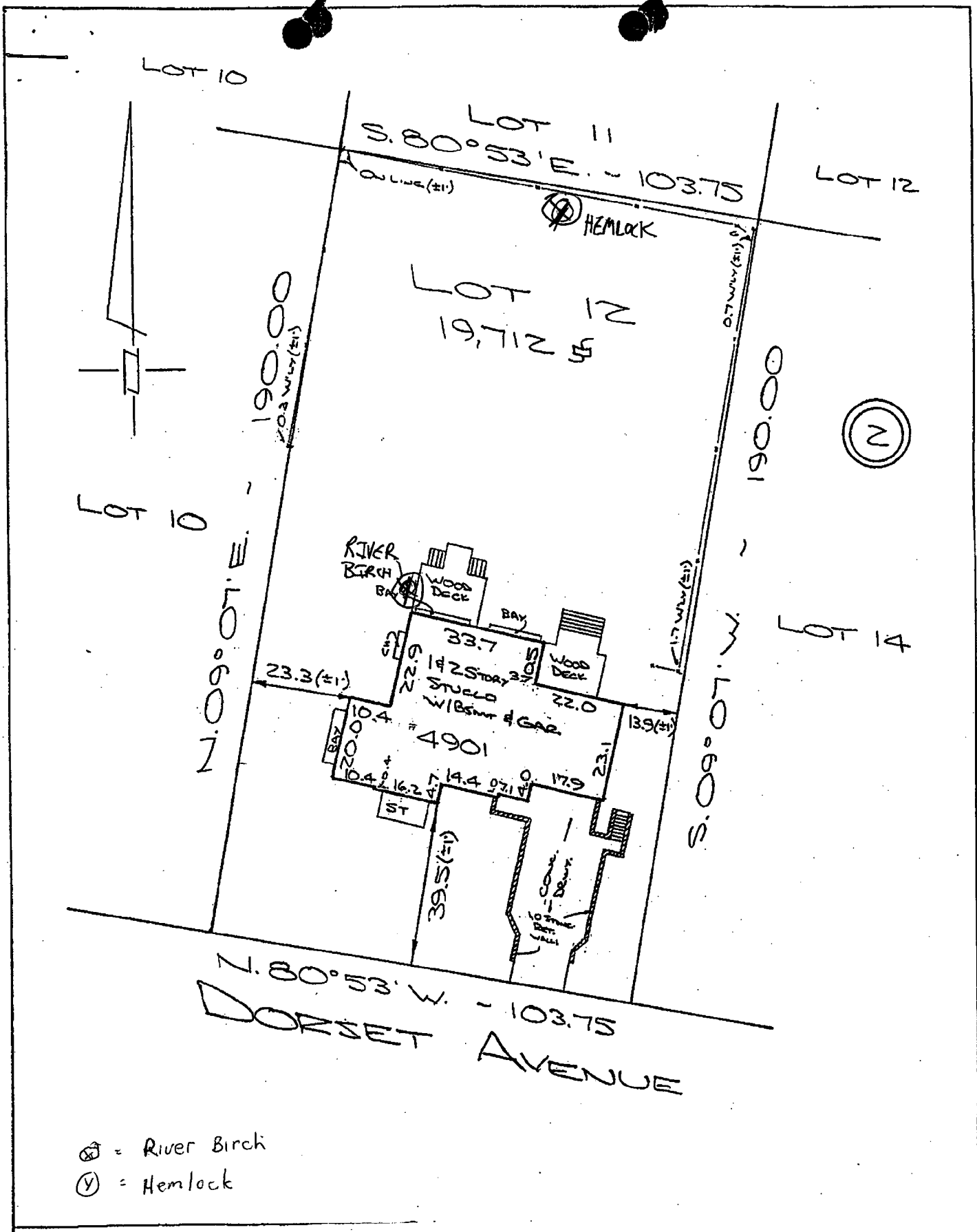
N/A.

**Item 5. Photographs.**

1. Front. Looking N.
2. Rear. Looking S.
3. Side. Looking W.
4. Side. Looking E.
5. River birch growing over house and chimney
6. River birch roots pushing retaining wall and towards house.
7. Hemlock on rear property line under black walnut tree.

**Item 6. Tree Survey**

N/A. No construction is proposed.



⊗ = River Birch  
 ⊙ = Hemlock



6

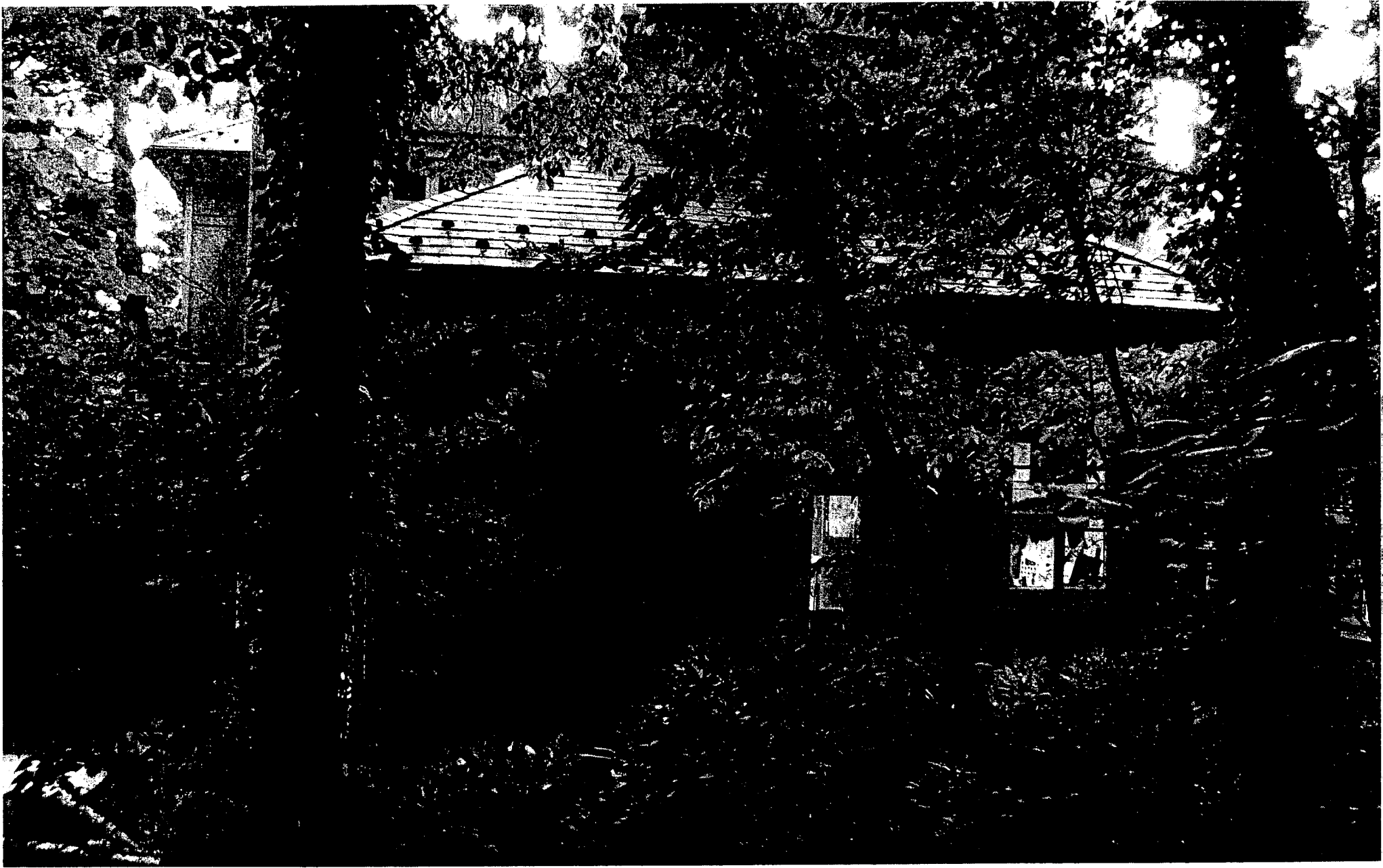
Picture 1. Front. Looking North.



Picture 2. Rear. Looking South. River birch at far right.

41





①

Picture 3. Side. Looking West.



Picture 4. Side. Looking East.

12



Picture 5. River birch growing over chimney and house.



14

Picture 6. River birch tree roots pushing retaining wall and towards house.



Picture 7. Hemlock on rear property line under black walnut tree.



RETURN TO: DEPARTMENT OF PERMITTING SERVICES
255 ROCKVILLE PIKE, 2nd FLOOR, ROCKVILLE, MD 20850
240/777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

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1A. CHECK ALL APPLICABLE:
Construct Extend Alter/Renovate A/C Slab Room Addition Porch Deck Shed
Move Install Wreck/Raze Solar Fireplace Woodburning Stove Single Family
Revision Repair Revocable Fence/Wall (complete Section 4) Other: Tree replacement
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Signature of owner or authorized agent Date

Approved: For Chairperson, Historic Preservation Commission

Disapproved: Signature: Date:

Application/Permit No.: 519578 Date Filed: 8/24/09 Date Issued:

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- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

**6. TREE SURVEY**

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

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

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

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

**Item 1. Written Description of Project (con't)**

The river birch was planted in approximately 1995. It is in good health, with three main trunks each approximately 30 to 35 inches diameter at 4 feet from the ground. The tree is currently taller than, and with one section growing over, the house. (Picture 2). It was planted in an area bounded on two sides by a timber retaining wall, on the third by a flagstone walkway and on the fourth by deck. The roots are pushing against the retaining wall in one direction, and toward the house foundation in another (Picture 6). Part of the tree is growing over the chimney (Picture 5).

The hemlock was planted some time in the late 1980s. It is weak but not yet dying, with a trunk approximately 15 inches diameter at 4 feet from the ground. However, in approximately 25 years it has not thrived. It is stunted, with almost no needles on top; it is thin and does not provide the intended screening. It is growing directly under a neighbor's black walnut tree, a species which is well known to retard the growth of many other trees and plants. A different species may fare better in this location. A magnolia is growing more successfully nearby, and I intend to reforest with a magnolia.

Finally, I wanted to note that I may in the future seek permission to place a porch or porch-workroom in approximately the same footprint where there is currently a deck and stairs adjacent to the river birch (see site plan plat and Picture 2). While the river birch is very close to the existing deck, a new porch or porch-workroom would not require its removal – as it would not extend to where the river birch is growing. The tree is simply too close to the house and pushing out an existing retaining wall.

I have planted approximately two dozen trees on the property since 1991, most of which survive. Sometimes, however, prudent management requires removal of weak trees or planting mistakes and I request a permit to remove the two trees listed on this application.

**Item 3. Plans and Elevations.**

There are no building plans. This application is to remove two trees.

**Item 4. Materials Specifications.**

N/A.



**Item 5. Photographs.**

1. Front. Looking N.
2. Rear. Looking S.
3. Side. Looking W.
4. Side. Looking E.
5. River birch growing over house and chimney
6. River birch roots pushing retaining wall and towards house.
7. Hemlock on rear property line under black walnut tree.

**Item 6. Tree Survey**

N/A. No construction is proposed.

Item 7. Property Owners – Adjacent

Dr William C. Liu  
4905 Dorset Avenue  
Chevy Chase, MD 20815

Alex and Melanie Krynitsky  
4902 Cumberland Ave  
Chevy Chase, MD 20815

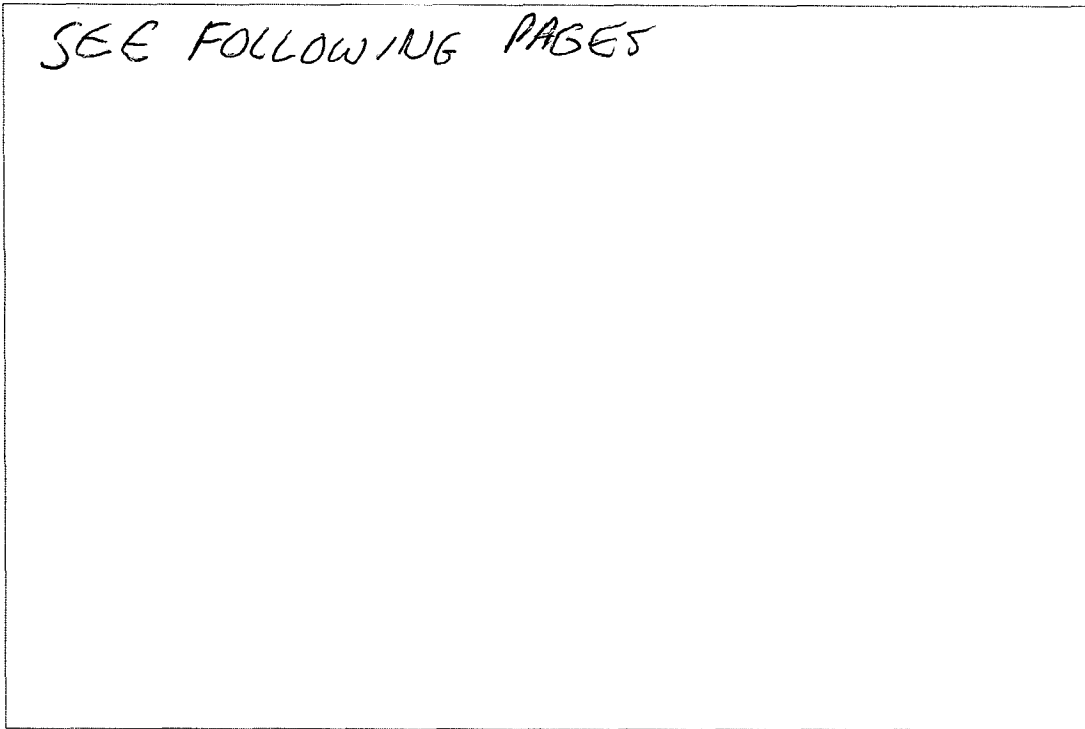
Anne Coffey and Alan Proctor  
4900 Cumberland Ave  
Chevy Chase, MD 20815

Sharon Stoliaroff and John Stewart  
4823 Dorset Avenue  
Chevy Chase, MD 20815

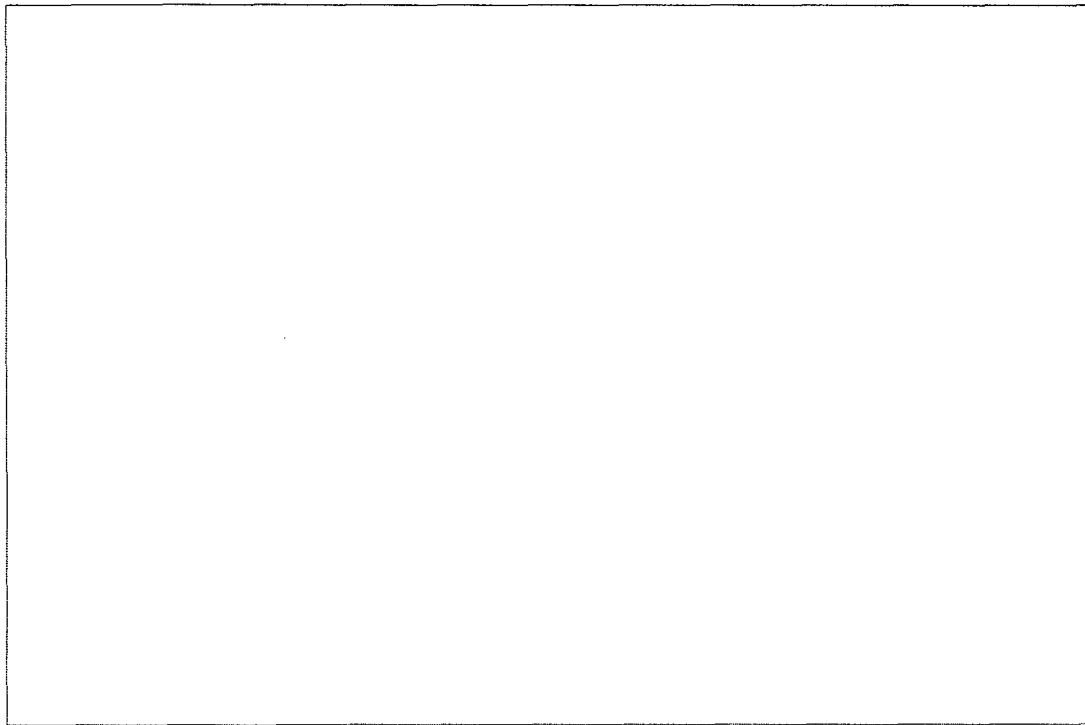
Sarah Patton and Leo Mondale  
4902 Dorset Avenue  
Chevy Chase, MD 20815

Cynthia Schollard and Mario Gobbo  
4906 Dorset Avenue  
Chevy Chase, MD 20815

**Existing Property Condition Photographs** (duplicate as needed)

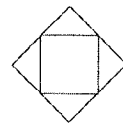


Detail: \_\_\_\_\_



Detail: \_\_\_\_\_

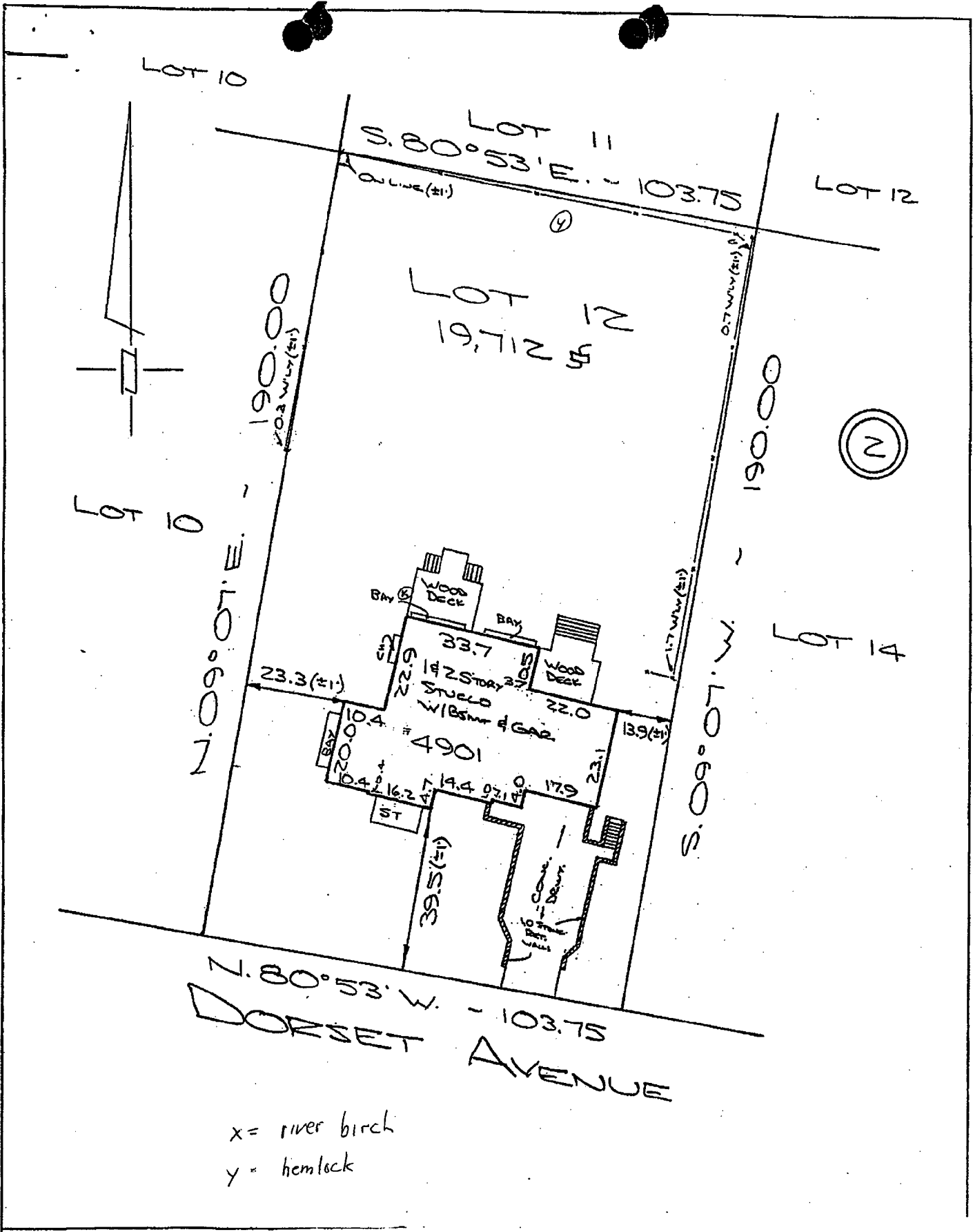
Site Plan



Shade portion to indicate North

Applicant: \_\_\_\_\_

Page: \_\_



x = river birch  
 y = hemlock