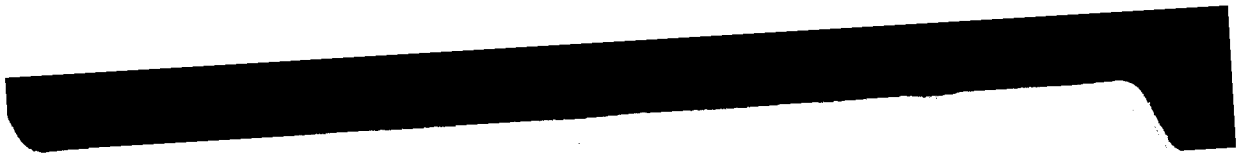


35/13-06DD 23 IRVING ST

Chevy Chase Village Historic District



HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	23 Irving St, Chevy Chase	Meeting Date:	10/25/2006
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	10/18/2006
Applicant:	Duane & Paula Gibson (Paul Locher, Agent)	Public Notice:	10/11/2006
Review:	HAWP	Tax Credit:	N/A
Case Number:	35/13-06 EE DD	Staff:	Michele Oaks
PROPOSAL:	Additions		

RECOMMENDATION: Approve with Conditions

STAFF RECOMMENDATION: Staff is recommending that the HPC approve this HAWP application with the following conditions:

1. The approved new, windows and French doors will be fabricated of painted wood, or solid wood with an exterior cladded in vinyl or aluminum. If the windows are to have a muntin profile, the windows will be a simulated divided light wood window, which contain wood muntins that are permanently bonded to the interior and exterior of the insulating glass simulating a divided light appearance. The specifications for the windows will be included in the permit sets of drawings submitted to staff at the time of stamping.
2. All the exterior detailing will be trimmed out in wood. This includes, cornices, window and door trim, balustrades etc. Paintable fiberglass columns may be used.
3. Addition will be surfaced in a true, 3-coat stucco finish.
4. The proposed, brick foundation is approved.
5. The permit sets of drawings will show the true, finish grades on the elevations.
6. The applicant will receive approval from Chevy Chase Village for the removal of the subject trees and will work with the Village arborist to develop a tree protection plan for this project. This plan will be implemented prior to any work beginning on the property.
7. For every tree to be removed, as per the submitted tree plan, one tree from Montgomery County's native species list (min. 3" caliper deciduous or 6' high evergreen) will be planted on the property prior to use and occupancy permits being issued by the Department of Permitting Services.
8. The applicant is approved for the currently submitted drawings based on the above conditions, however, if approved through the Chevy Chase Village variance process, a matching overhang on the east façade is preferred.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Village Historic District
STYLE: Colonial Revival
DATE: c1914

The original massing is a three-bay, two-story, side gable stucco dwelling. The first floor contains a center entry detailed with a pedimented portico flanked by paired, 6/6 double-hung windows. The second level is detailed with a smaller, set of double-hung windows over the pediment flanked by single, 6/6 double hung windows detailed with operable, louvered shutters.

A two-story addition extends from the east (side) elevation of the house. The attached 1927 Sanborn Map (circles 36-37) shows that this addition was built originally as a one-story addition. Sometime after 1947, the second story was added, the bay window installed and the whole addition was covered in aluminum siding.

Additional non-contributing features/additions of the house include: a shed roof addition extends from the west elevation of the house and from the rear section of the east elevation, and a shed dormer was added to the front roof slope.

APPLICABLE GUIDELINES:

When reviewing alterations contributing resources within the Chevy Chase Village *Master Plan* Historic District two documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Montgomery County Code Chapter 24A (Chapter 24A)* and the *Chevy Chase Village Guidelines* adopted as part of the Amendment to the Bethesda-Chevy Chase Master Plan in 1997. The pertinent information in these documents is outlined below.

Montgomery County Code; Chapter 24A

A HAWP permit should be issued if the Commission finds that:

1. The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
2. The proposal is compatible in character and nature with the historical archaeological, architectural or cultural features of the historic site or the historic district in which a historic resource is located and would not be detrimental thereto of to the achievement of the purposes of this chapter.
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, archaeological, architectural or cultural value of the historic site or historic district in which an historic resource is located.

Chevy Chase Village Guidelines

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* that pertain to this project are as follows:

- Major additions should, where feasible, be placed to the rear of the existing structure so that they are less visible from the public right-of-way. Major additions, which substantially alter or obscure the front of the structure should be discouraged but not automatically prohibited.
- Lot coverage should be subject to strict scrutiny, in view of the critical importance of preserving the Village’s open park-like character.
- Roofing materials should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. In general, materials differing from the original should be approved for contributing resources.
- Windows (including window replacement) should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. Vinyl and aluminum windows should be discouraged.
- Exterior trim (such as moldings on doors and windows) on contributing resources should be subject to moderate scrutiny if it is visible from the public right-of-way, lenient scrutiny if it is not.
- Tree removal should be subject to strict scrutiny and consistent with the Chevy Chase Village Urban Forest Ordinance.

PROPOSAL:

The applicant is proposing to:

1. Remove the existing windows on the front elevation of the existing two-story, addition, which protrudes from the east elevation and replace them with a paired, 6/6 double hung window on the first floor and a 6/6 double-hung, window flanked by louvered shutters on the second (circles 20-21). Relocate the existing window on the second floor of the addition's east elevation (circles 22-23).
2. Remove all of the non-original aluminum siding from the two-story addition and replace it with stucco to match the main massing.
3. Demolish the existing one-story, non-contributing, shed roof addition, which protrudes from the rear section of the east elevation of the house (circle 22).
4. Construct a new, two-story addition in the same location. The addition will connect to the existing two-story addition. The proposed materials include stucco, wood windows and doors, brick foundation, and a combination asphalt and standing seam-metal roof. The standing seam metal roof is being proposed on the "hyphen"(circle 23).
5. Demolish the existing one-story, non-contributing, shed roof addition (10'6" wide x 23'7" long), which protrudes from the west elevation of the house (circle 20-view from front elevation and 24 – view from west elevation)
6. Construct a new, one-story, flat roof addition along the west elevation of the house. The addition will measure 15' wide x 23'7" long (circle 21 -view from front elevation and 25-view from west elevation).
7. Construct a new, one-story, shed roof addition, protruding from the rear section of the new one-story, flat roof addition being built along the west elevation of the house. This addition will measure 11'5"wide x 16'long (circle 25).
8. Extend the existing, two-story, rear ell, 11' into the rear yard. The applicant proposes to match the detailing on the ell, which includes stucco, the cornice detailing which includes the large returns, the re-use of the gable window etc (circle 23 view from east elevation and 27-view from rear elevation)
9. Construct a new, 13' wide by 16' long, two-story, rear ell addition. This addition will match the detailing and materials in the existing ell (circle 23 view from east elevation and 27-view from rear elevation).
10. Remove two (2) trees for the proposed, new construction (circles 12-17).

CALCULATIONS

Existing Lot 12,500 sq. ft.

Existing

House 1,668.92 sq. ft
Lot Coverage 13%

w/ Shed 89.25 sq. ft
Lot Coverage 14%

Proposed

House 2,656.70 sq. ft
Lot Coverage 21%

w/ Shed 89.25 sq. ft.
Lot Coverage 22%

STAFF DISCUSSION

Topics #1 & #2: Remove the existing windows on the front elevation of the existing two-story, addition, which protrudes from the east elevation and replace them with a paired, 6/6 double hung window on the first floor and a 6/6 double-hung, window flanked by louvered shutters on the second. Relocate the existing window on the second floor of the addition's east elevation. Remove all of the non-original aluminum siding from the two-story addition and replace it with stucco to match the main massing.

The existing two-story, addition has had several modifications and alterations. The original one-story addition, the only contributing element in this addition, has lost most of its integrity, due to these significant alterations. The proposed removal of the siding, the application of stucco and the window modifications and relocations are consistent with the existing architectural style of the house. Staff recommends approval.

Topics #3 & #4: Demolish the existing one-story, non-contributing, shed roof addition, which protrudes from the rear section of the east elevation of the house. Construct a new, two-story addition in the same location. The addition will connect to the existing two-story addition. The proposed materials include stucco, wood windows and doors, brick foundation, and a combination asphalt and standing seam-metal roof. The standing seam metal roof is being proposed on the "hyphen".

The addition utilizes a similar form to the existing two-story addition and connects them with a "hyphen", which enables the roofline to be lower than the existing massing until the second hip roof, which is located approximately 30' back from the front façade. The materials and the detailing of the addition are compatible with the existing house, and the addition does not protrude beyond the plane of the existing side addition, it is actually offset by 6" (see detail on circle 34), . Staff recommends approval. Staff does encourage the applicant to explore the possibility of obtaining a variance for this addition, so the overhang on this façade could match the other elevations. The modified detail for this overhang on this elevation is due to the strict, 7' side yard set back requirements, which dictate that all elements of a standing structure including overhangs and gutters stay out of the setback.

Topic #5 & #6: Demolish the existing one-story, non-contributing, shed roof addition (10'6" wide x 23'7" long), which protrudes from the west elevation of the house. Construct a new, one-story, flat roof addition along the west elevation of the house. The addition will measure 15' wide x 23'7" long.

The proposed demolition and new construction will only be increasing the width of the addition by 4'4" (see floor plans circles 30-31). The new design is modeled after an enclosed side porch, which is a common feature on Colonial Revival dwellings. The porch is detailed with a roof balustrade, wood pilasters and a broad cornice. This proposed addition is sympathetic to the architectural style and, is in keeping with the scale of the historic resource. Staff recommends approval.

Topic #7 Construct a new, one-story, shed roof addition, protruding from the rear section of the new one-story, flat roof addition being built along the west elevation of the house. This addition will measure 11'5" wide x 16' long.

This one-story addition is at the rear of the house and will not be visible from the public right-of way. The proposed materials and details are sympathetic to the Colonial Revival style. Staff recommends approval.

Topics #8 & 9 Extend the existing, two-story, rear ell, 11' into the rear yard. The applicant proposes to match the detailing on the ell, which includes stucco, the cornice detailing which includes the large returns, the re-use of the gable window etc. Construct a new, 13' wide by 16' long, two-story, rear ell addition. This addition will match the detailing and materials in the existing ell.

These alterations are also completely contained at the rear of the house and will not be visible from the public right-of-way. The designer has minimized the need to significantly increase the size of the overall footprint by re-working existing additions, demolishing non-contributing additions and constructing two-story additions in their place and extending existing ells. Thus, maintaining a significant amount of the open-space on the lot, which helps to achieve the goal of preserving the Village's park-like character (see site plans on circles 18-19). Staff recommends approval.

Topic #10 Remove two (2) trees for the proposed, new construction.

As the tree survey provided indicates, only two trees would be impacted as part of this construction. The applicants are requesting removal of these trees. As the attached June 2005 Tree Assessment Report indicates (circles 13-16), the proposed 24" White Oak tree to be removed is in moderate decline. The Commission has made it a policy to add a condition to HAWP approvals requiring that applicants receive approval from the Chevy Chase Village Arborist for the removal of trees and the tree protection plan for the site. The applicants have been granted permission by the Chevy Chase Village Managers to remove the subject trees. Staff recommends approval.

STAFF RECOMMENDATION:

Staff recommends that the Commission **approve** the HAWP application **with the conditions specified on Circle 1** as being consistent with Chapter 24A-8(b)(1) (2) & (3);

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.



RETURN TO: DEPARTMENT OF PERMITTING SERVICES
255 ROCKVILLE PIKE, 2nd FLOOR, ROCKVILLE, MD 20850
240-777-8270

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Person: PAUL LOCHER JR
Daytime Phone No.: 301-518-7053

Tax Account No.: _____
Name of Property Owner: DWANE & PAULA GIBSON Daytime Phone No.: 301-215-9093
Address: 23 WEST IRVING ST CHEVY CHASE MD 20815
Street Number City State Zip Code
Contractor: LOCHER DESIGN BUILD Phone No.: 301-592-0070
Contractor Registration No.: MHIC 46323
Agent for Owner: PAUL LOCHER JR Daytime Phone No.: 301-518-7053

LOCATION OF BUILDING/PREMISE

House Number: 23 Street: WEST IRVING STREET
Town/City: CHEVY CHASE Nearest Cross Street: MAGNOLIA PARKWAY
Lot: 1 & PT 17 Block: 32 Subdivision: SECTION 2
Liber: 2095 Folio: 336 Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE: Construct Extend Alter/Renovate AC 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: _____
1B. Construction cost estimate: \$ 400,000
1C. If this is a revision of a previously approved active permit, see Permit # _____

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

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.

Paul R. Locher Jr OCT 3, 2006
Signature of owner or authorized agent Date

Approved: _____ For Chairperson, Historic Preservation Commission
Disapproved: _____ Signature: _____ Date: _____
Application/Permit No.: AP 434952 Date Filed: _____ Date Issued: _____



**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:

SEE ATTACHED

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

SEE ATTACHED

2. SITE PLAN

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

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

3. PLANS AND ELEVATIONS

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

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

4. MATERIALS SPECIFICATIONS

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

5. PHOTOGRAPHS

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

6. TREE SURVEY

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

7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

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

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



23 West Irving Street is a well proportioned c. 1914 neo colonial. Unfortunately, the house was modified several times over the last fifty years, most times lacking in attention to size, scope and material selections. The remains of the original house with its classic lines and volume, sits unmodified on a slight hill, its dignity lessened by the two poorer quality additions on the left and right flank.

The original main structure retains its stucco exterior, most of its wood shutters and trims, plus the original windows. A portion of the wood trim has been encased in aluminum and remains obscured. The original two story addition on the right flank has been severely modified and retro-fitted with among other things, a bay window and aluminum siding. On the other side, the original one story addition, possibly a sunroom or screened porch, has been grossly enlarged, re-fitted with undersized windows, then covered in vinyl siding.

The project requirements start with correcting several imbalances with the existing structure, while at the same time working to restore a sense of design that is currently lacking.

The first imbalance stems from the house being functionally obsolete, including oddly sized rooms, poorly proportioned spaces and most critically, no circulating floor pattern on the first floor. The second imbalance addresses the four bedroom layout, equipped with only one bath and no master suite.

The additions designed to correct these flaws are to be harmonious with the historic aspect of the original structure and to add a sense of scale currently missing. The majority of this work would be to the rear of the house, having little impact on the historical environment.

The re-working of the two side additions, and their front facades would clearly enhance the classic appeal of the house by reverting them to traditional designs and natural materials. The completed project would complement and further enhance the historic village by being a showcase for quality design and construction.

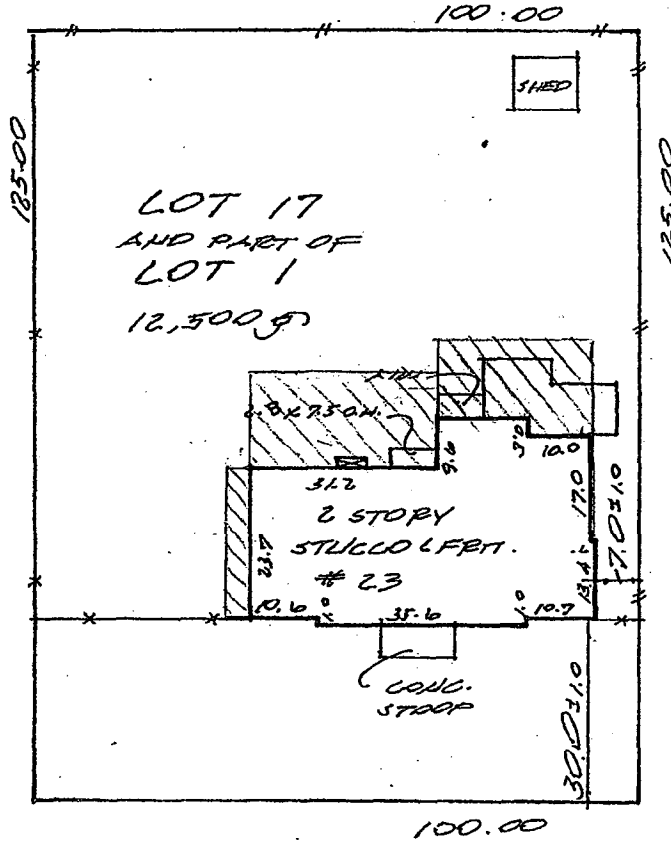
Confronting Owners

18 West Irving Street	James Meisel and Julia Dahlberg
20 West Irving Street	James and Kristen Somervell
22 West Irving Street	Georgia Fitzpatrick
24 West Irving Street	Davis and Cary Williams

Adjacent Owners

25 West Irving Street	Brendan and Margaret Babbington
16 Magnolia Parkway	John Finneran, Jr. and Catherine Cotler
20 West Kirke Street	C. Benjamin and Virginia Crisman

Site Plan



X *[Signature]*
 X *[Signature]*

IRVING STREET, WEST

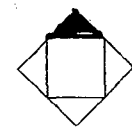
Property predates modern day zoning.

Date: 12-13-04 Scale: 1"=30' Dm: B.D.
 Plat Book: 2
 Plat No.: 106 NO TITLE REPORT FURNISHED
 Work Order: 04-6668
 Address: 23 IRVING STREET, WEST
 District: 7
 Jurisdiction: MONTGOMERY COUNTY, MD

Surveyor's Certification

I hereby certify that the survey shown hereon is correct to the best of my knowledge and that, unless noted otherwise, it has been prepared utilizing description of record. This survey is not a boundary survey and the location or existence of property corners is neither guaranteed nor implied. Fence lines, if shown, are approximate in location. This property does not lie within a 100-year flood plain according to FEMA insurance maps as interpreted by the originator unless otherwise shown hereon. Building restriction lines shown are as per available information and are subject to the interpretation of the originator.

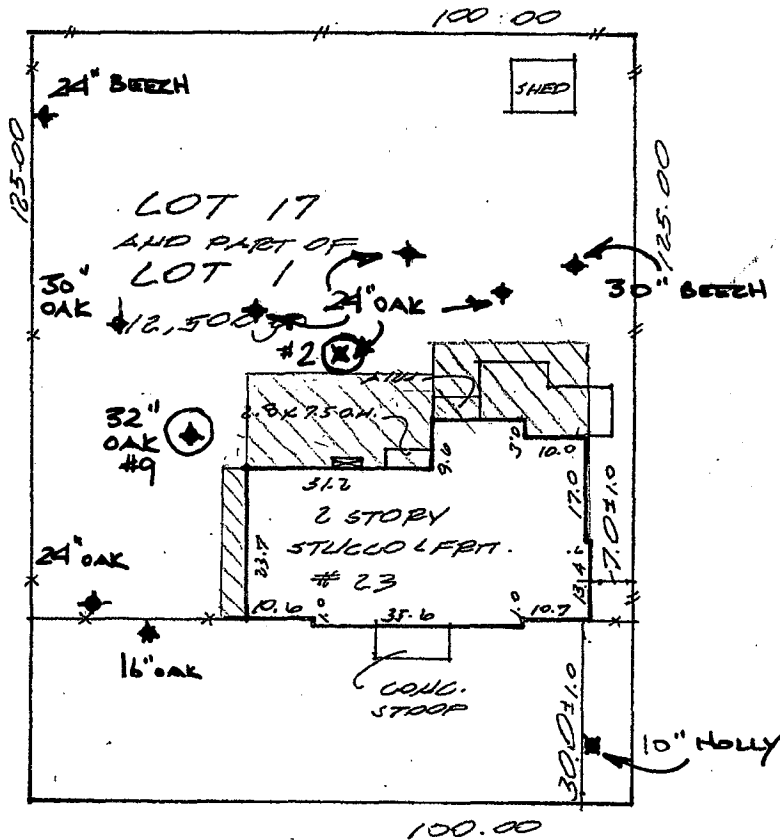
[Signature]



Shade portion to indicate North

Applicant: _____

Tree Survey



X [Signature]
X Paula Brown Liban

IRVING STREET, WEST

○ = TREES TO BE REMOVED

Property predates modern day zoning.

Date: 12-13-04 Scale: 1"=30' Dm: B.P.
 Plat Book: 2 NO TITLE REPORT FURNISHED
 Plat No.: 106
 Work Order: 04-6668
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LOCATION DRAWING
 LOT 17 & PART OF LOT 1, BLOCK 32
 SECTION No. 2, CHEVY CHASE
 LIBER 2095, FOLIO 336

[Signature]

NOTE: This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. This plat does not provide for the accurate identification of property boundary lines, but



Meridian Surveys, Inc.
 811 Russell Avenue
 Suite #303
 Gaithersburg, MD 20879
 (301) 791-0400



Bartlett Tree Experts

TREE & SHRUB CARE PROPOSAL

12200 Nebel Street, Rockville, MD 20852-2687 – phone 301.881.8550 fax 301.881.9063
e-mail – tzastrow@bartlett.com

Mrs. Paula Gibson
23 West Irving Street
Chevy Chase, MD 20815

June 24, 2005
301.215.9093

STUMP GRINDING

Old Stump in left front yard:

Old Stump in left rear yard:

- Grind out stump(s) and visible surface roots within two feet of the stump(s) to a depth of 8-10" below grade. Mound grindings over hole(s) for safety. \$405.00
- Remove stump grindings and backfill hole(s) with good grade topsoil. \$440.00

TREE LIST FOR PRUNING, TREATMENT OR REMOVAL

Declining American Beech Tree #1 (28.5"), right side rear:

This tree is showing symptoms of early decline in the upper crown on the north side. This is most likely caused by declining root function from disease or stress. In its present condition it will be very susceptible to borer attack. It should be treated to reduce the borer threat. The surface root system should be treated to enhance function and growth now and again next spring. Dead and dying branches should be removed to more accurately monitor the response to treatment and improve safety.

→ **Declining White Oak Tree #2 (24.0"), right rear near patio:**

This tree is in moderate decline. It should be treated and pruned as described above.

Declining Southern Red Oak Tree #3 (26.0"), center rear:

This tree is in early decline and should be pruned and treated as described above.

White Oak Tree #4 (24.0"), center rear near house:

This tree is in good condition. It has several large dead branches over the house and can be pruned to remove low trunk growth and improve clearance over chimney. It will benefit from root treatment every other year to aid healthy root function and growth.

Southern Red Oak Tree #5 (25.2"), left rear:

White Oak Tree #6 (28.0"), left side rear:

American Beech Tree #7 (24.1"), left rear corner:

→ **Southern Red Oak Tree #9 (32.9"), left side:**

White Oak Tree #10 (22.8"), left side:

White Oak Tree #11 (16.0"), left front:

These trees are all in good condition. They will benefit from root treatment every other year to aid healthy root function and growth. Most have large dead branches that should be removed for safety. The low trunk growth can be removed as desired to improve appearance.



Bartlett Tree Experts

TREE & SHRUB CARE PROPOSAL

12200 Nebel Street, Rockville, MD 20852-2687 – phone 301.881.8550 fax 301.881.9063
e-mail – tzastrow@bartlett.com

Declining Tulip Poplar Tree #8 (17.0”), right rear corner:

This tree is in moderate decline. It also has a poorly formed trunk with multiple bends that are significant zones of structural weakness. Even though it should respond positively to treatment, removal is the best course of action since the trunk will always be weak.

BORER MANAGEMENT

Declining American Beech Tree #1 (28.5”), right side rear:

→ Declining White Oak Tree #2 (24.0”), right rear near patio:

Declining Southern Red Oak Tree #3 (26.0”), center rear:

- Treat the designated tree(s) in the late summer or early fall with Merit insecticide injected around the root crown to suppress borer activity (most commonly two-lined chestnut borer) for the entire next growing season. \$435.00

MYCORRHIZAE & FERTILIZATION TREATMENT

Declining American Beech Tree #1 (28.5”), right side rear:

→ Declining White Oak Tree #2 (24.0”), right rear near patio:

Declining Southern Red Oak Tree #3 (26.0”), center rear:

- Treat the designated tree(s) and/or plants in the early summer with a liquid suspension mix of beneficial mycorrhizal fungal spores and Boost (30-7-9) slow release fertilizer at 1.5-2 lbs Nitrogen (N) per 1,000 SF to enhance root function and maintain growth. Material is to be injected 4-6” deep into the soil, 2.5-3’ on-center, throughout the accessible root area from the trunk to just beyond the furthest spread of the branches. \$375.00
- Repeat this treatment Spring 2006. \$375.00

White Oak Tree #4 (24.0”), center rear near house:

Southern Red Oak Tree #5 (25.2”), left rear:

White Oak Tree #6 (28.0”), left side rear:

American Beech Tree #7 (24.1”), left rear corner:

→ Southern Red Oak Tree #9 (32.9”), left side:

White Oak Tree #10 (22.8”), left side:

White Oak Tree #11 (16.0”), left front:

- Treat these trees in conjunction with the trees listed above in early summer. \$395.00
- Note: This treatment should be repeated Spring 2007.

14



Bartlett Tree Experts

TREE & SHRUB CARE PROPOSAL

12200 Nebel Street, Rockville, MD 20852-2687 - phone 301.881.8550 fax 301.881.9063
e-mail - tzastrow@bartlett.com

TREE PRUNING

Declining American Beech Tree #1 (28.5"), right side rear:

- Prune to crown clean by removing dead and damaged branches 1.5-2" diameter and larger for safety. Remove branches on north side of crown that appear to be dying. Make cuts back to healthy sections. Haul away wood and brush. \$680.00

Declining White Oak Tree #2 (24.0"), right rear near patio:

- Prune to crown clean by removing dead and damaged branches 1.5-2" diameter and larger for safety. Remove sprout growth on lower trunk to a height of 18' above the ground. Haul away wood and brush. \$850.00

Declining Southern Red Oak Tree #3 (26.0"), center rear:

- Prune as described above. \$680.00

White Oak Tree #4 (24.0"), center rear near house:

- Prune to crown clean by removing dead and damaged branches 2-2.5" diameter and larger for safety. Remove sprout growth on lower trunk up to main crotch. Provide 5-6' of clearance from the chimney. Haul away wood and brush. \$630.00

Southern Red Oak Tree #5 (25.2"), left rear:

- Prune to crown clean by removing dead and damaged branches 1.5-2" diameter and larger for safety. Remove sprout growth on the lower trunk to a height of 25' above the ground. Haul away wood and brush. \$595.00

White Oak Tree #6 (28.0"), left side rear:

- Prune as described above. \$680.00

American Beech Tree #7 (24.1"), left rear corner:

- Remove sprout growth from the lower trunk to a height of 10' above the ground. \$25.00

Southern Red Oak Tree #9 (32.9"), left side:

- Prune to crown clean by removing dead and damaged branches 1.5-2" diameter and larger for safety. Haul away wood and brush. \$1,615.00

White Oak Tree #10 (22.8"), left side:

- Prune to remove low unsightly dead branches. \$50.00

White Oak Tree #11 (16.0"), left front:

- Prune to crown clean by removing dead and damaged branches 1.5-2" diameter and larger for safety. Haul away wood and brush. \$340.00

The reduced to total to prune all ten (10) of these trees at one time is..... \$5,270.00

TREE REMOVAL

Declining Tulip Poplar Tree #8 (17.0"), right rear corner:

- Take down the designated tree(s) marked with red tag(s), rigging as needed to avoid damage to surrounding property and/or plantings. Haul away wood and brush. Grind out stump(s) to a depth of 10-12" and mound grindings over hole(s) for safety. \$1,190.00

15



Bartlett Tree Experts

TREE & SHRUB CARE PROPOSAL

12200 Nebel Street, Rockville, MD 20852-2687 - phone 301.881.8550 fax 301.881.9063
e-mail - tzastrow@bartlett.com

Note: Due to the proximity to power lines this work will be coordinated with PEPCO for safety. You will also need to get a tree removal permit from Chevy Chase Village prior to work being scheduled.

Work can be scheduled for July.

The Bartlett Tree Expert Company is committed to serving you safely and professionally. The work described above will be carried out in accordance with ANSI, OSHA, & EPA performance and safety standards applicable to Arboricultural Operations.


To give your go-ahead please review the Terms and Conditions on the back which are part of this agreement, indicate the services that you would like Bartlett to perform, sign one copy of this proposal, and return it to our Rockville office. You may return it by fax, but please mail original as well. If you need information on our insurance coverage go to www.marsh.com/moi?client=A228

Approved



Timothy D. Zastrow, MD Licensed Tree Expert #390

Date



Date

October 10, 2006

Mr. and Mrs. Duane R. Gibson
23 West Irving Street
Chevy Chase, MD 20815

Dear Mr. and Mrs. Gibson:

As you are aware, your appeal to remove one Spanish Oak and one White Oak tree located in the rear yard of your property to accommodate a proposed addition has been approved by the Chevy Chase Village Board of Managers.

Pursuant to the Board's approval, Village Legal Counsel will draft a written decision for the Board to review. Once approved and signed by the Board Secretary, a copy of the decision will be mailed to you for your records. The Tree Removal Permit will not be issued until all applicable permits have been issued for the proposed addition. The trees are not to be removed until you have received all required permits.

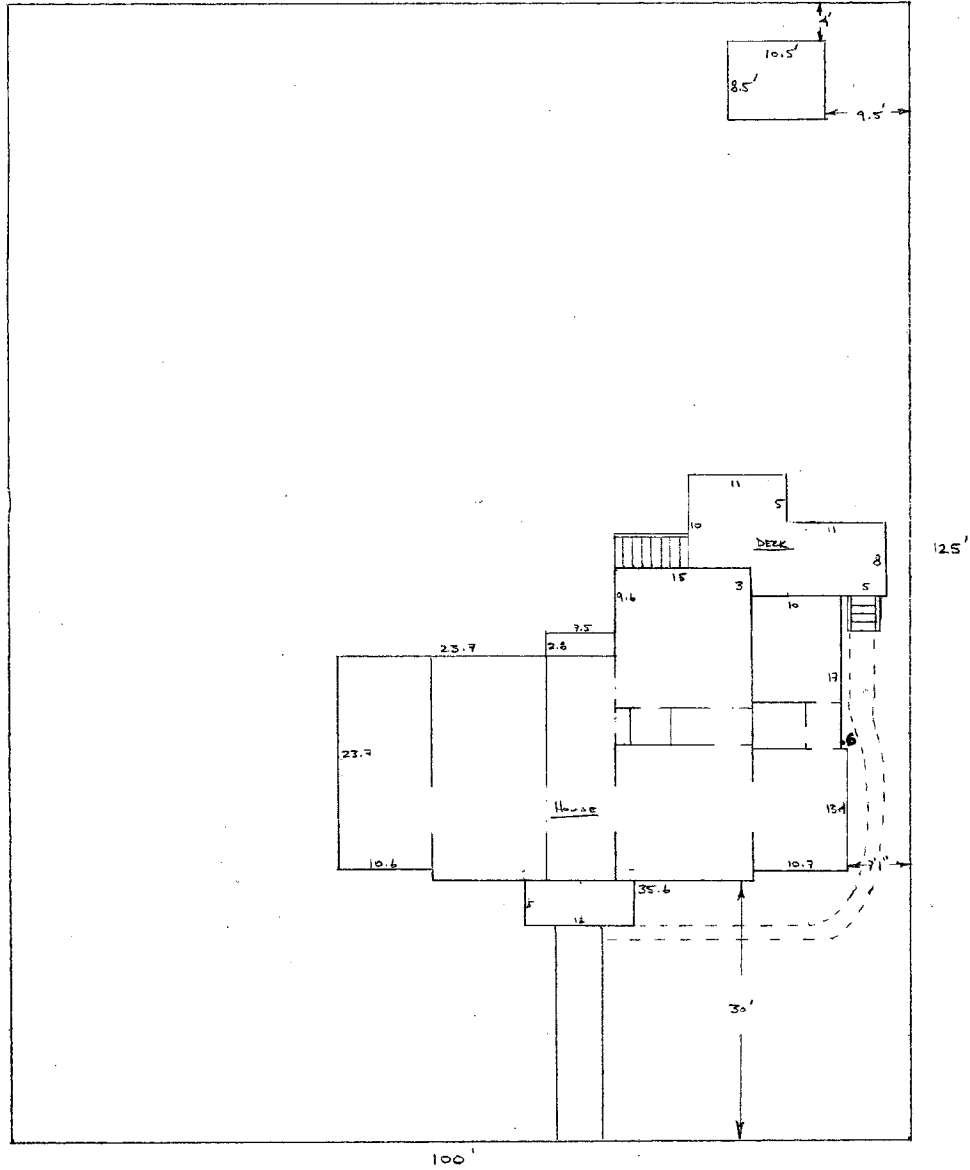
For your reference, enclosed please find a list of acceptable species for the reforestation requirements that will be contained in the Board's written decision.

If you have any questions or need further assistance, please contact the Village office at (301) 654-7300.

Sincerely,

Shana R. Davis-Cook
Manager of Administration
Chevy Chase Village

Enclosure

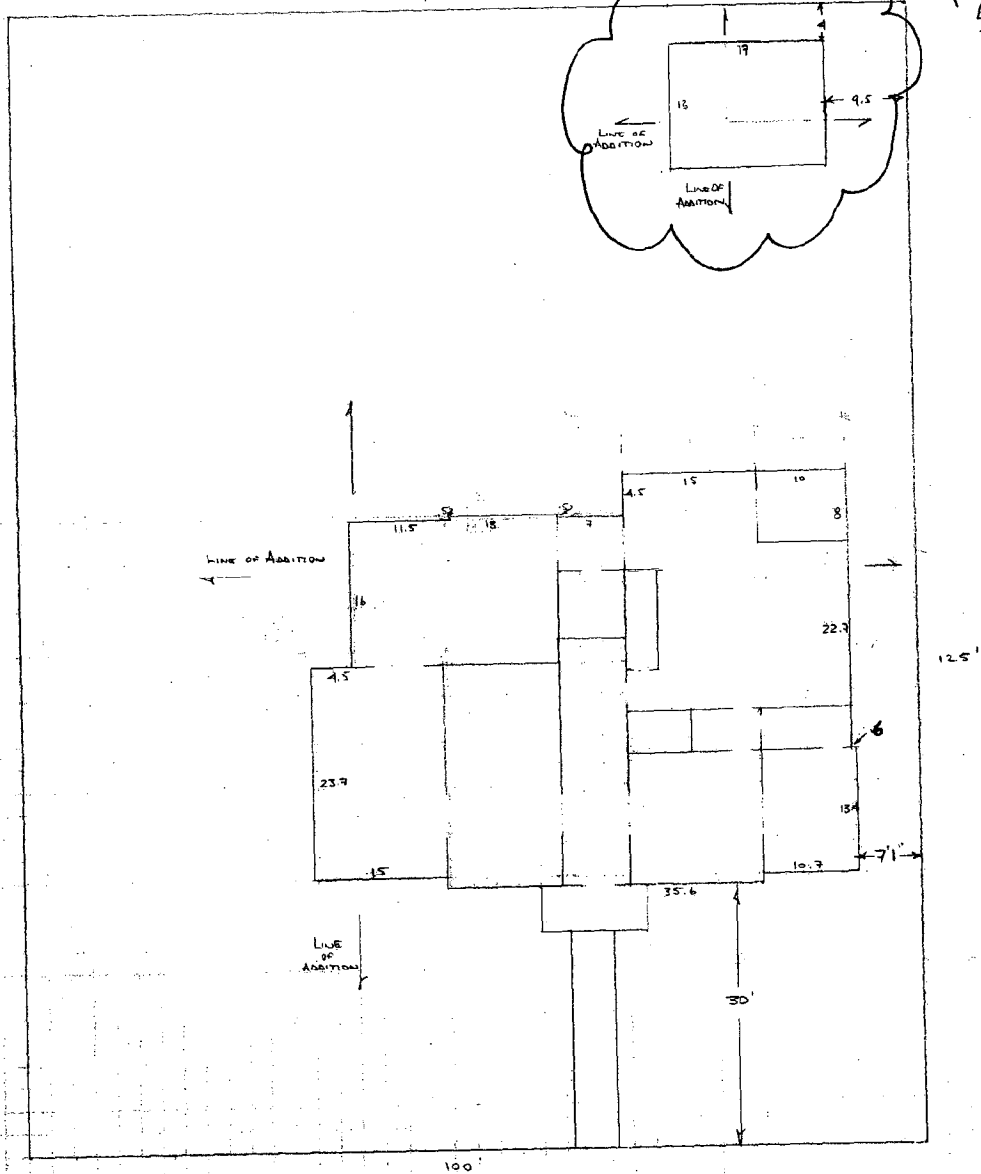


GIBSON RESIDENCE
EXISTING SITE PLAN

Scale 1" = 10'

18

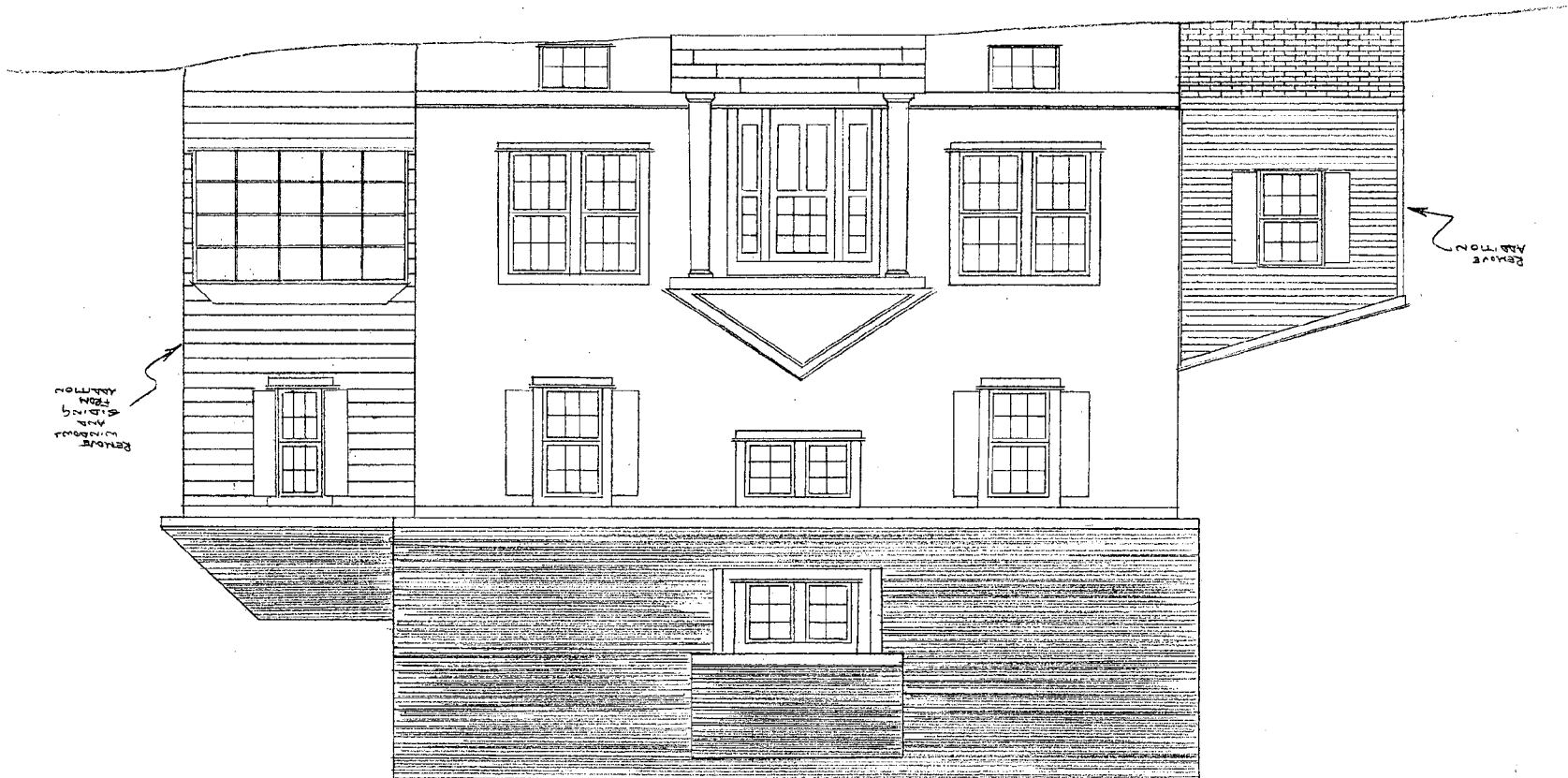
No CHANGES
ARE PROPOSED
TO EXISTING
SHED IN THIS
CURRENT
MAPUP
SUBMITTAL

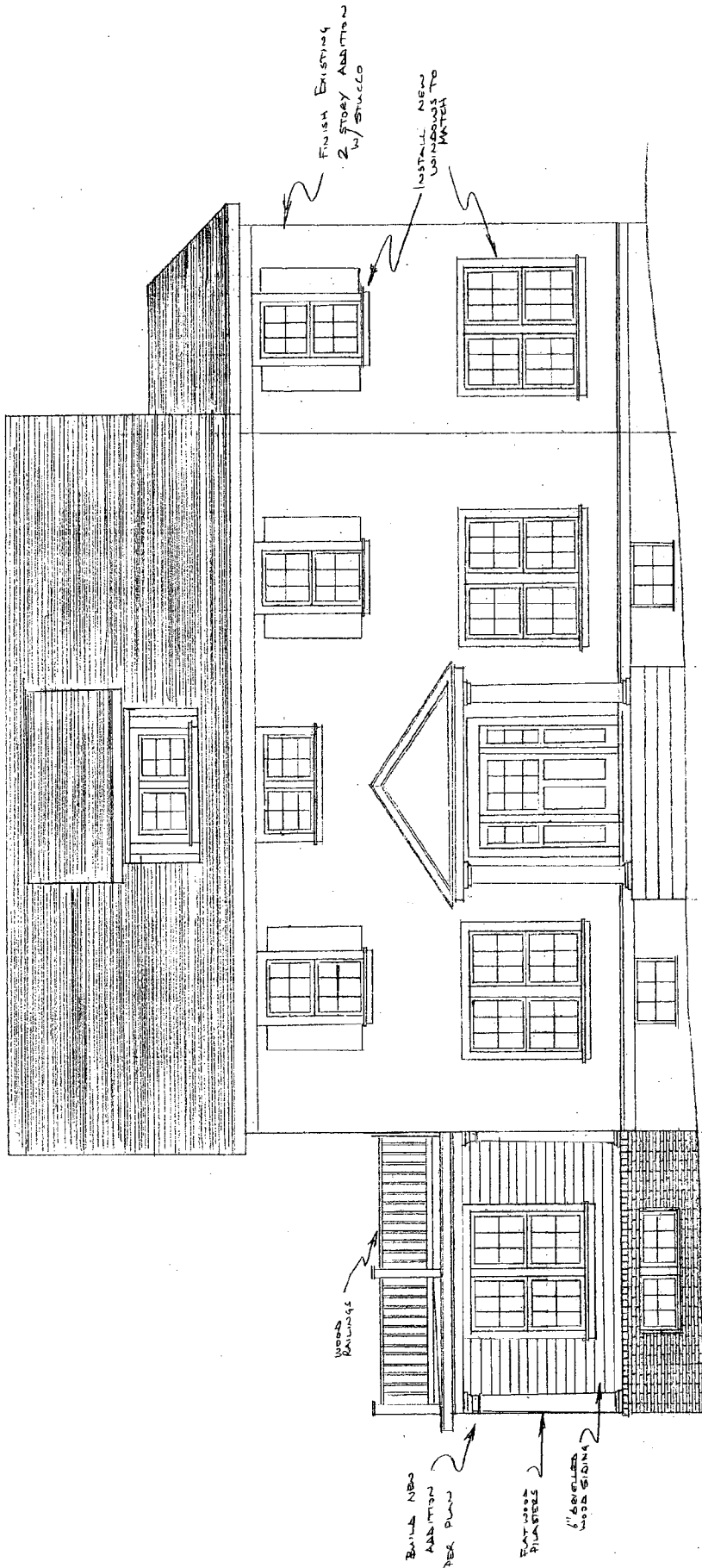


GIBSON RESIDENCE
PROPOSED SITE PLAN

Scale 1/4" = 1'

Existing Front Elevation



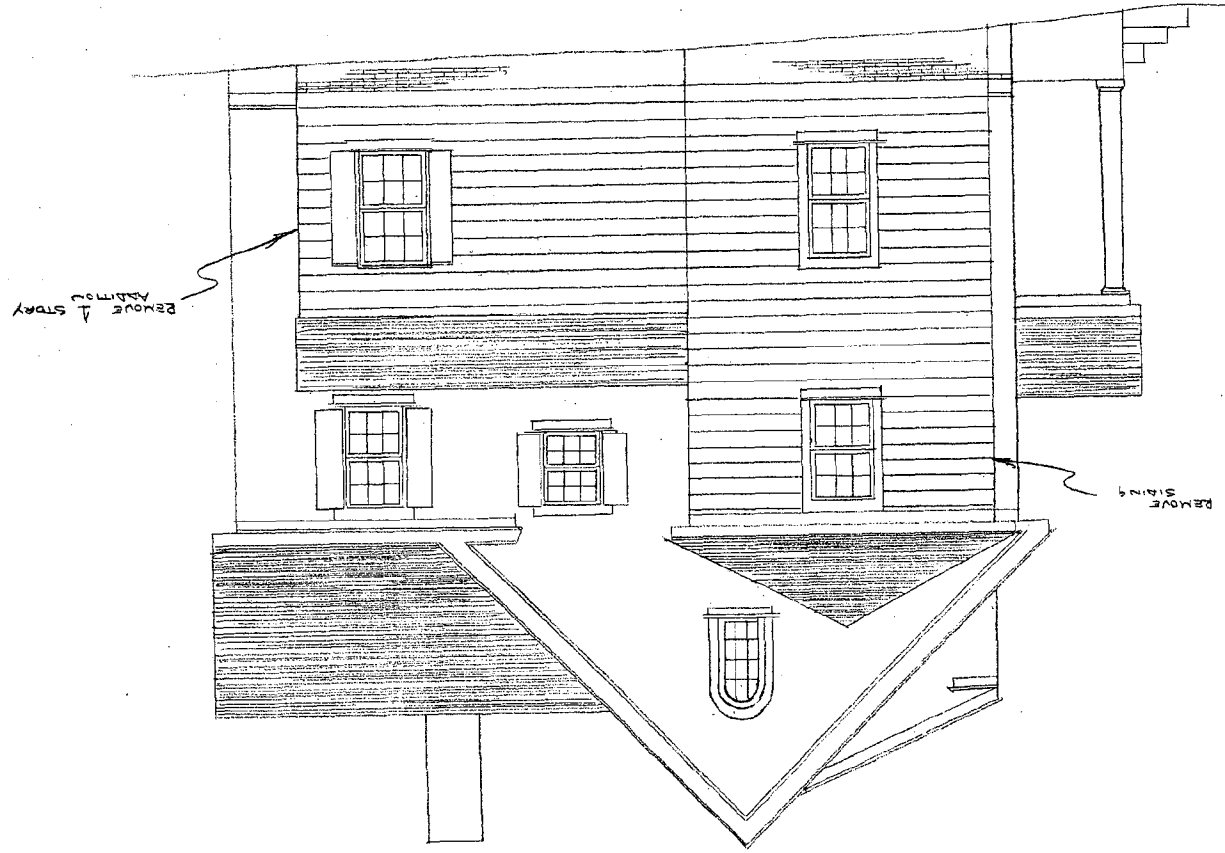


PROPOSED FRONT ELEVATION

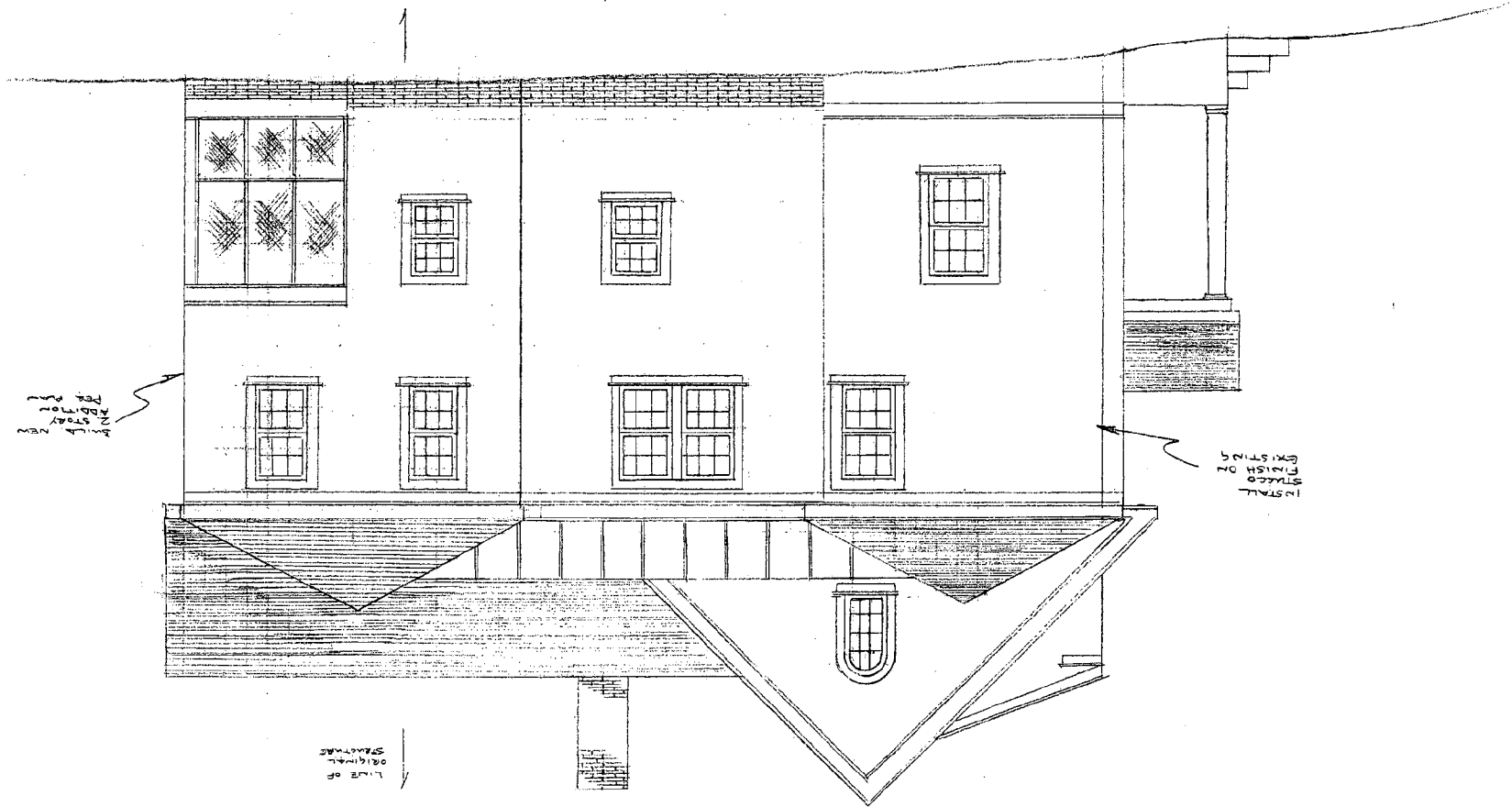
SCALE A'-1'

Scale 1/4" = 1'

EXISTING EAST ELEVATION



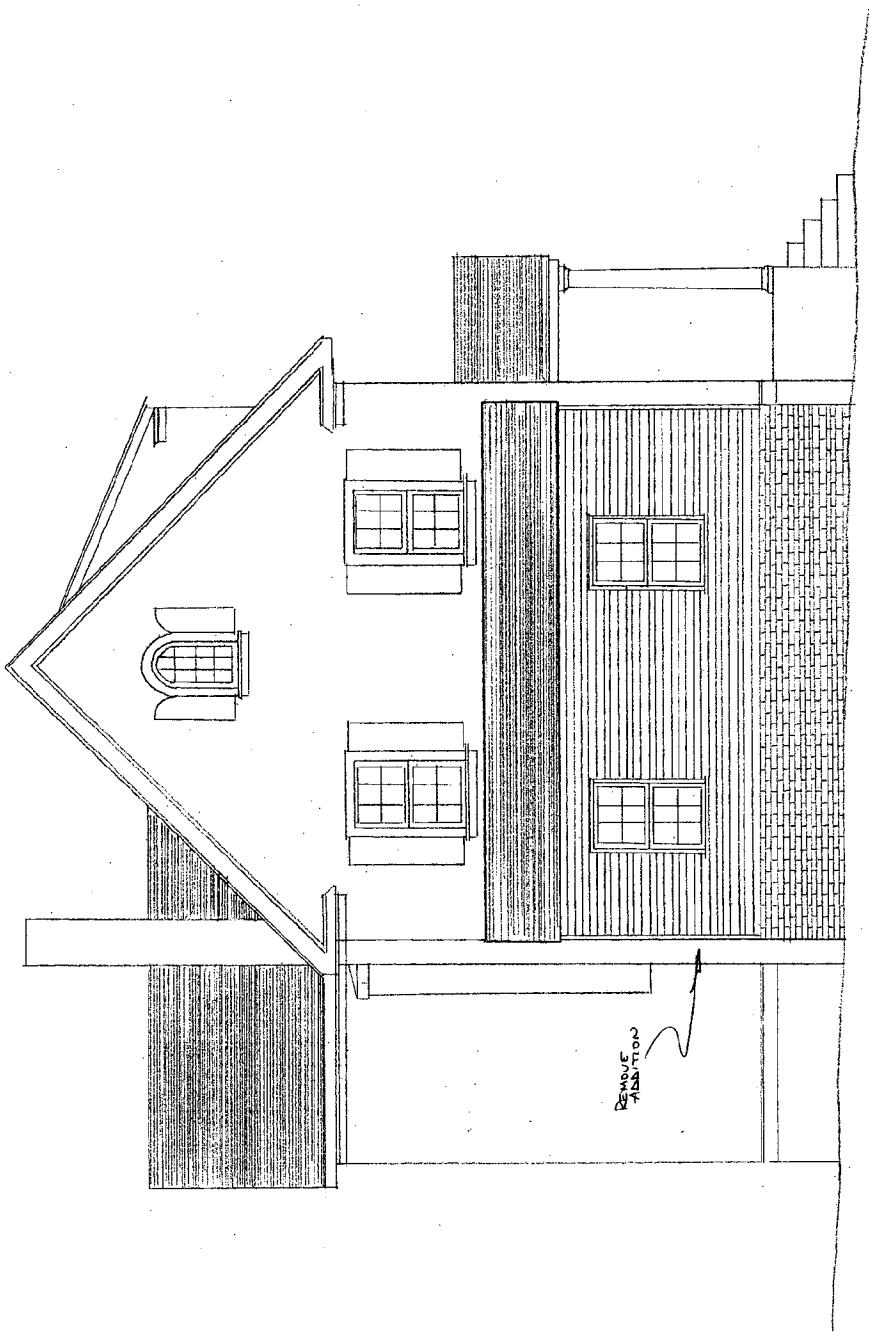
Proposed East Elevation



2ND FLOOR PERMITTED NEW

INSTALL STAIRS TO EXISTING FINISH OF 2ND FLOOR

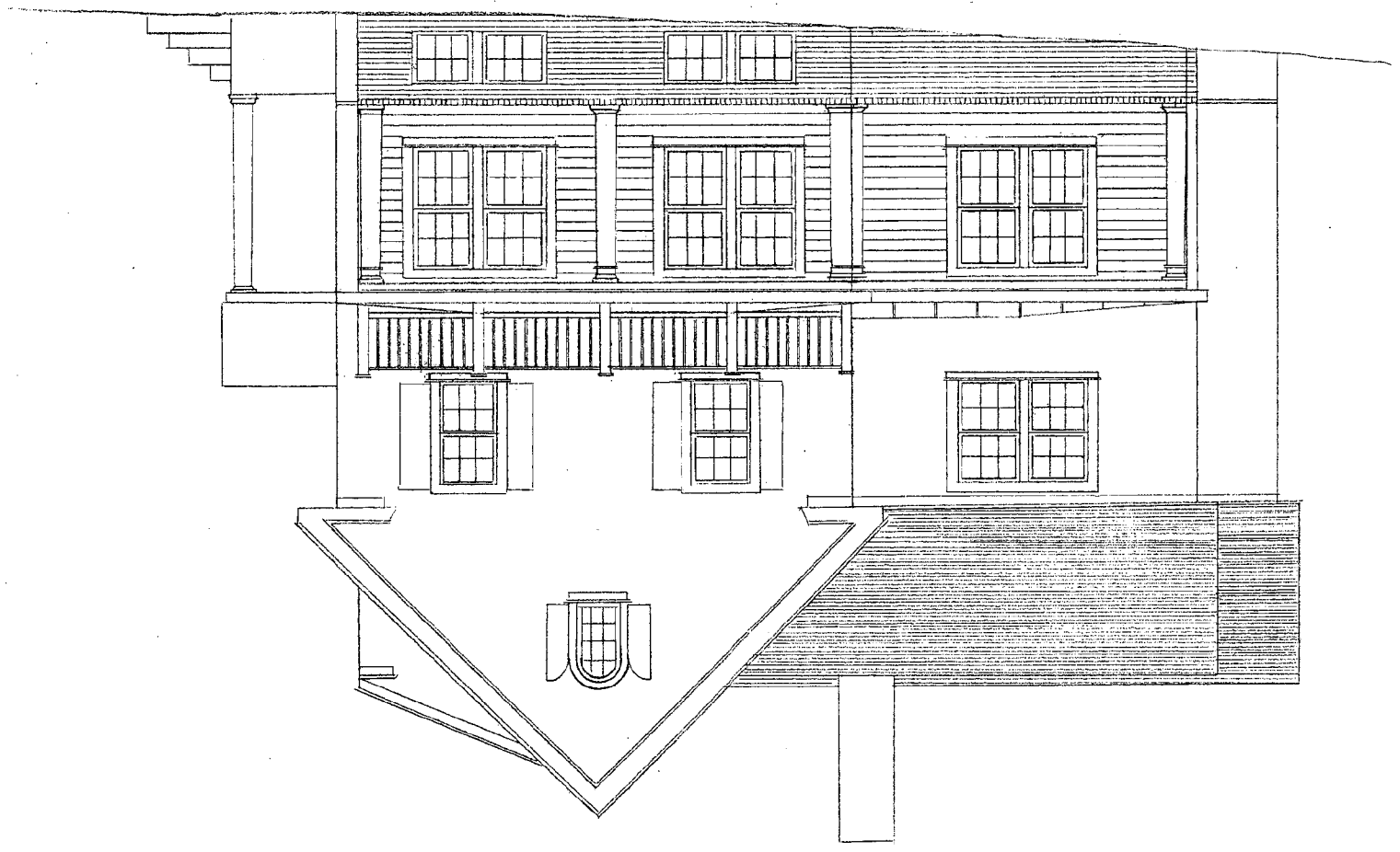
LINE OF ORIGINAL STRUCTURE



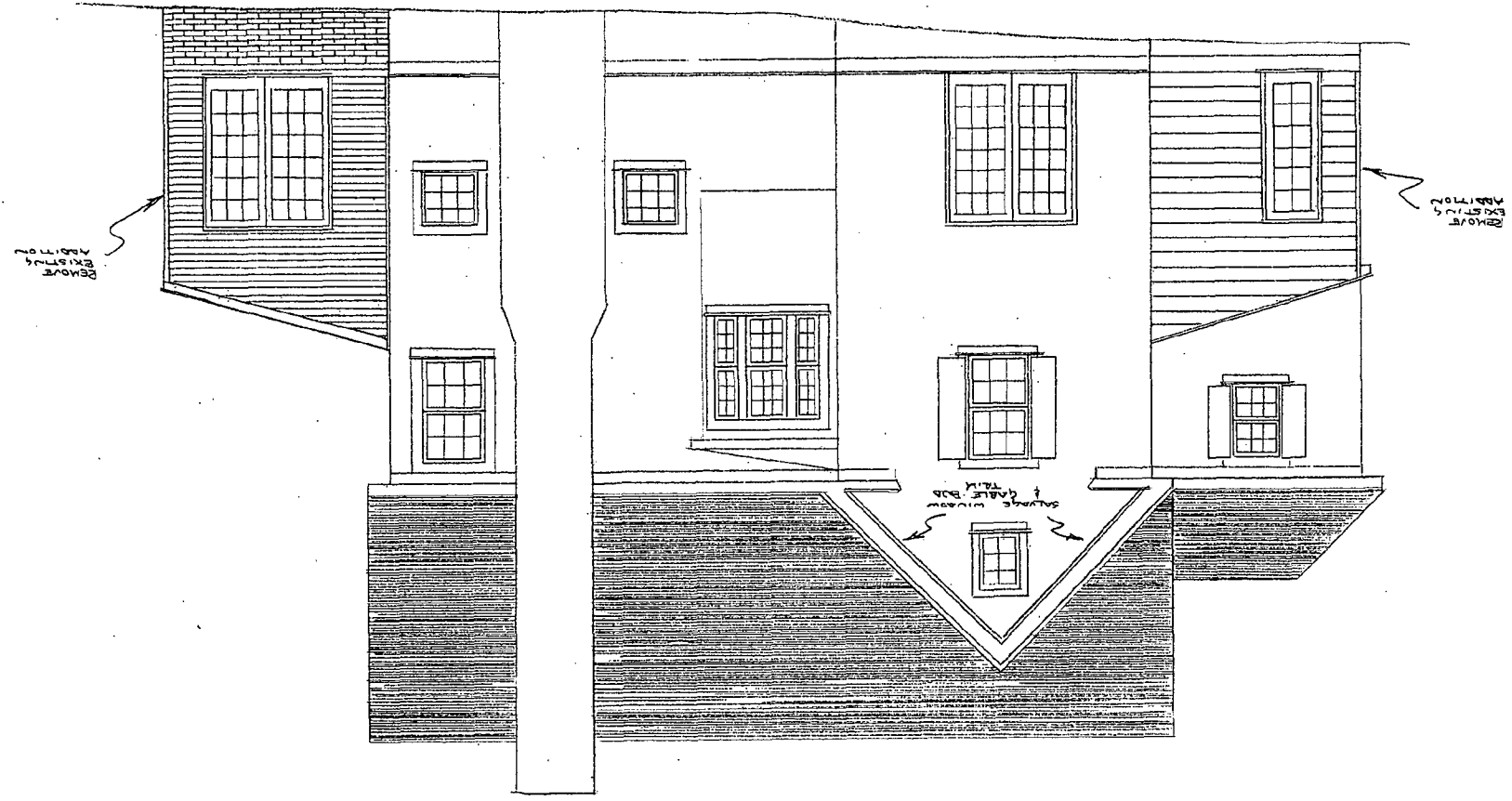
EXISTING WEST ELEVATION

Scale 1/4" = 1'

POPOSEA WEST ELEVATION

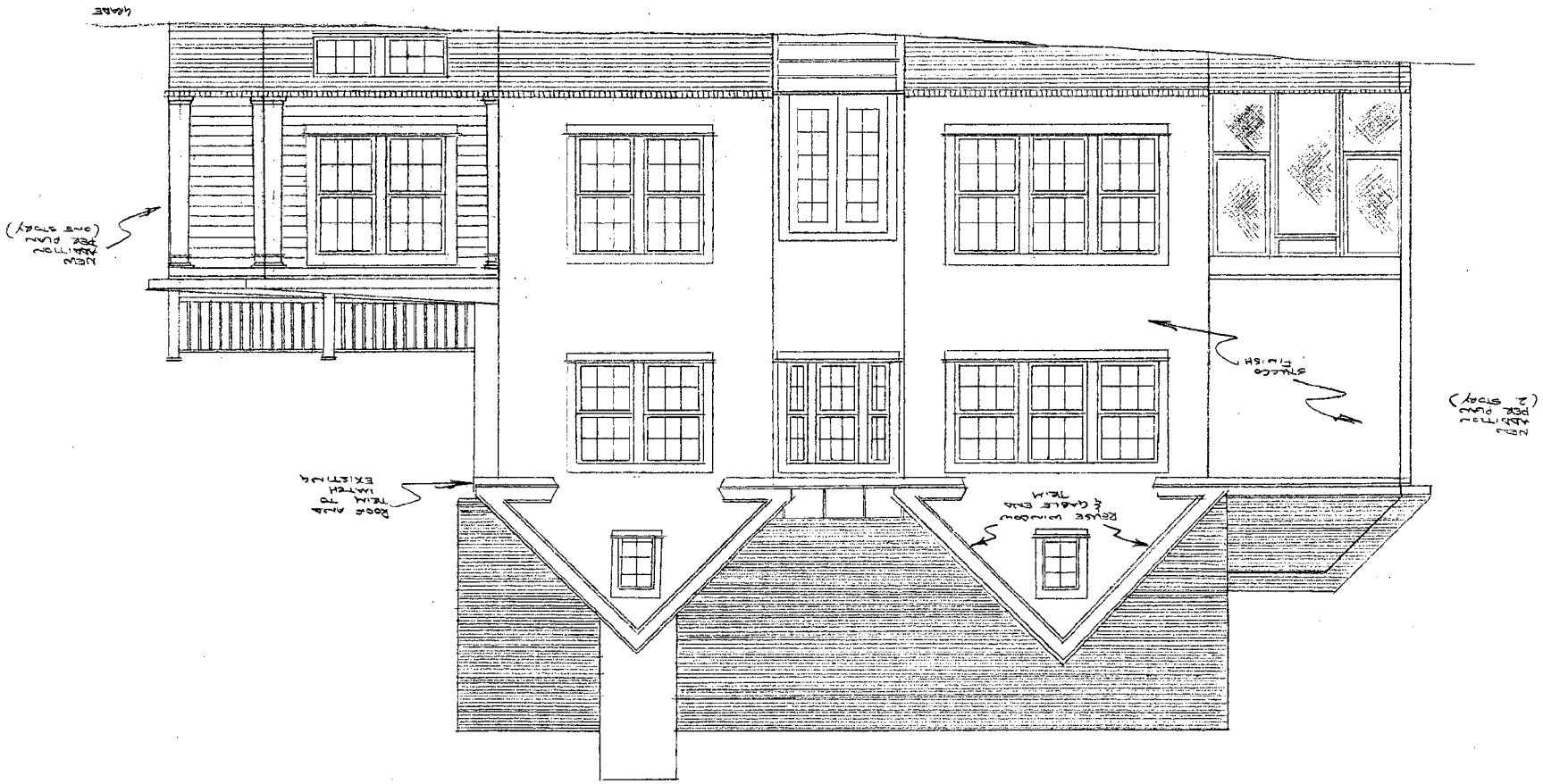


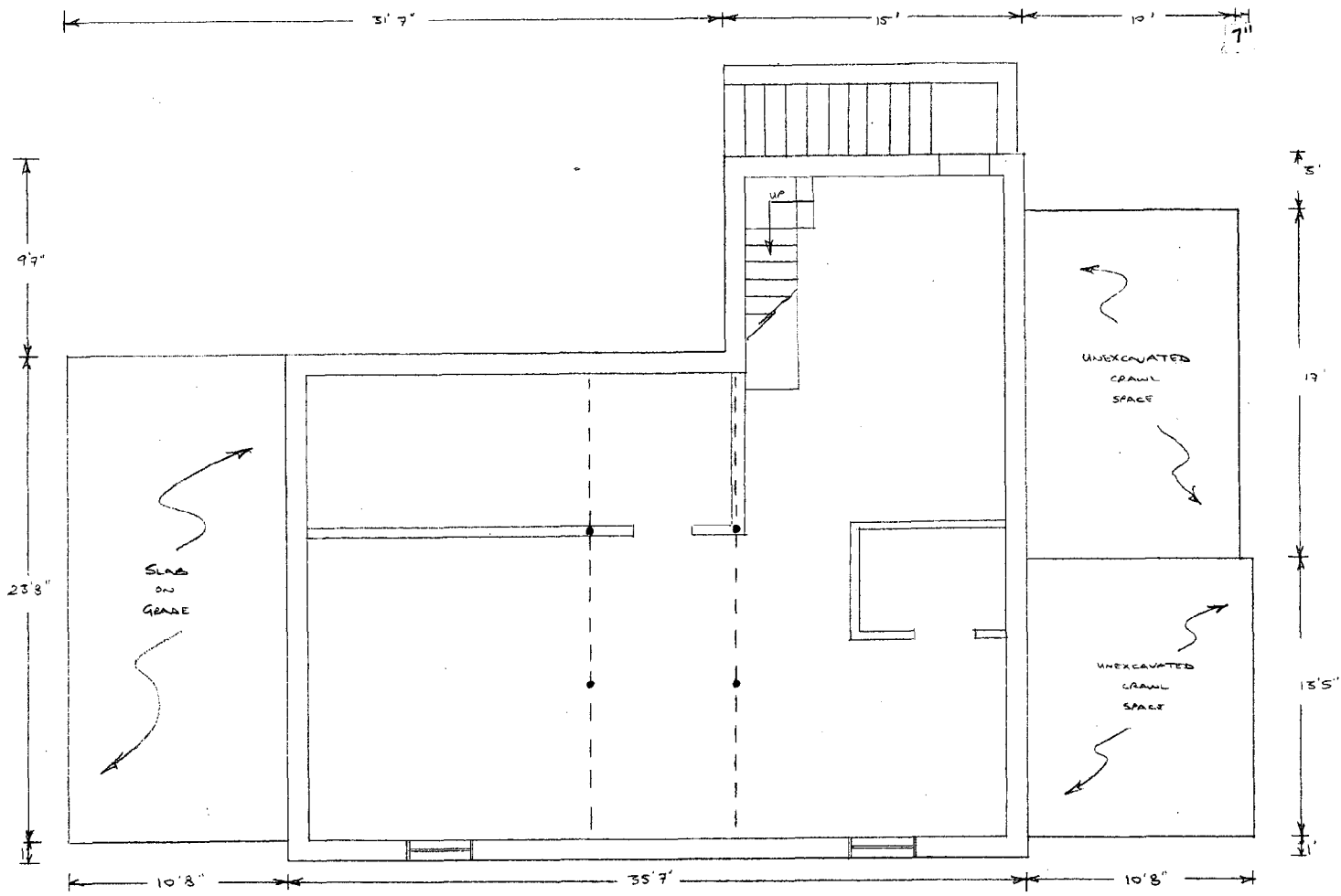
Existing North Elevation



Scale 1/4" = 1'

Proposed North Elevation



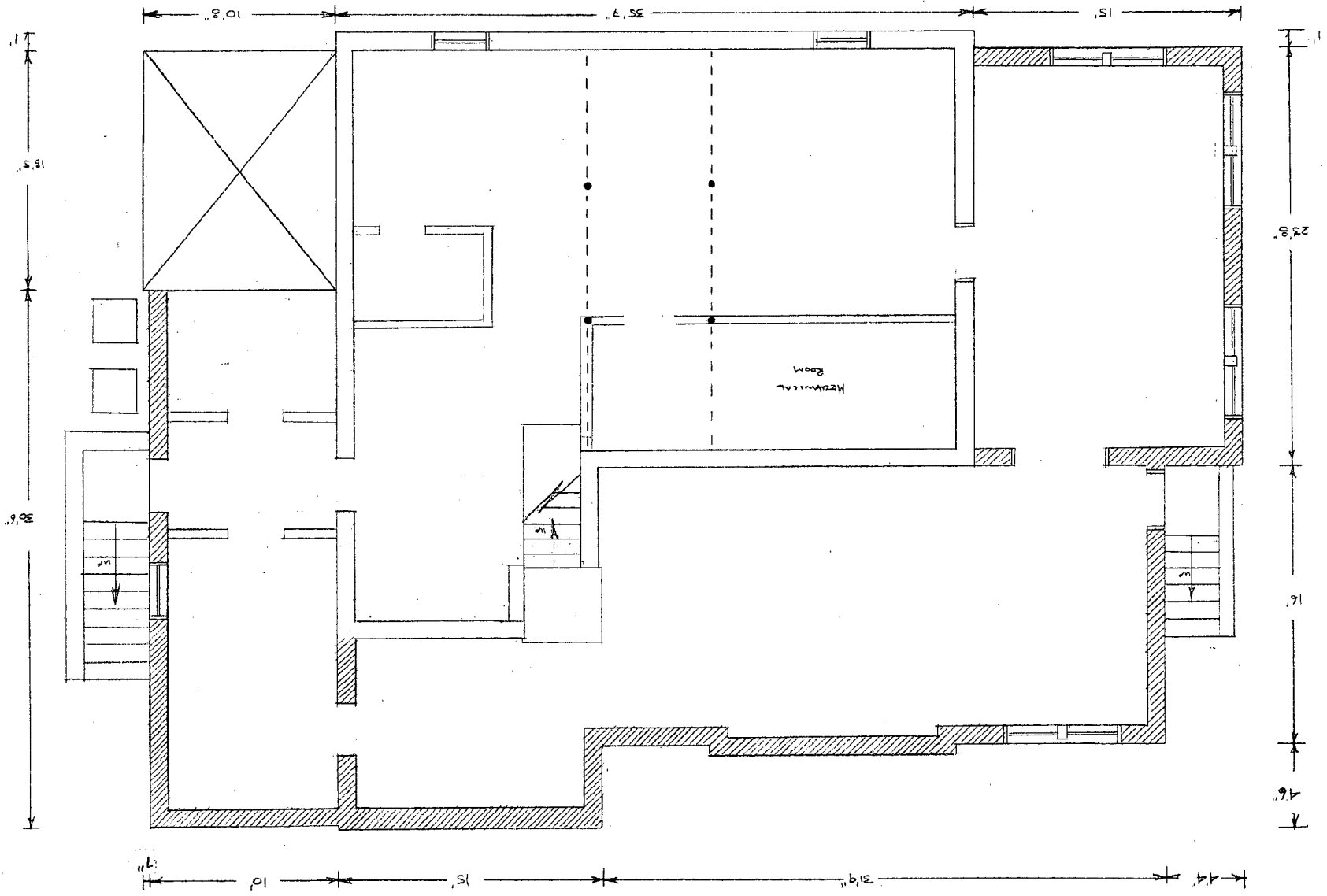


EXISTING FOUNDATION PLAN

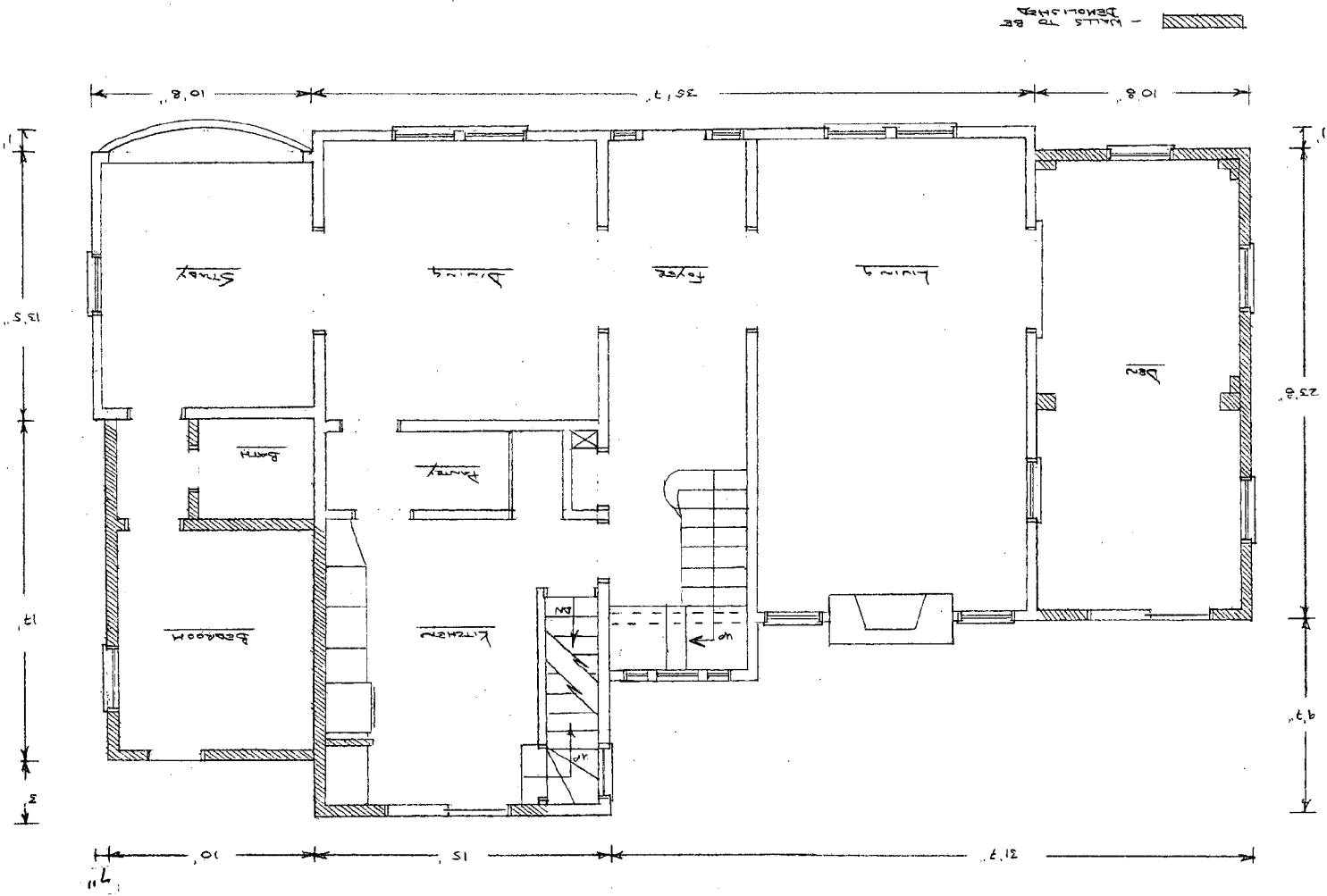
28

Scale 1/8" = 1'

Proposed Foundation Plan



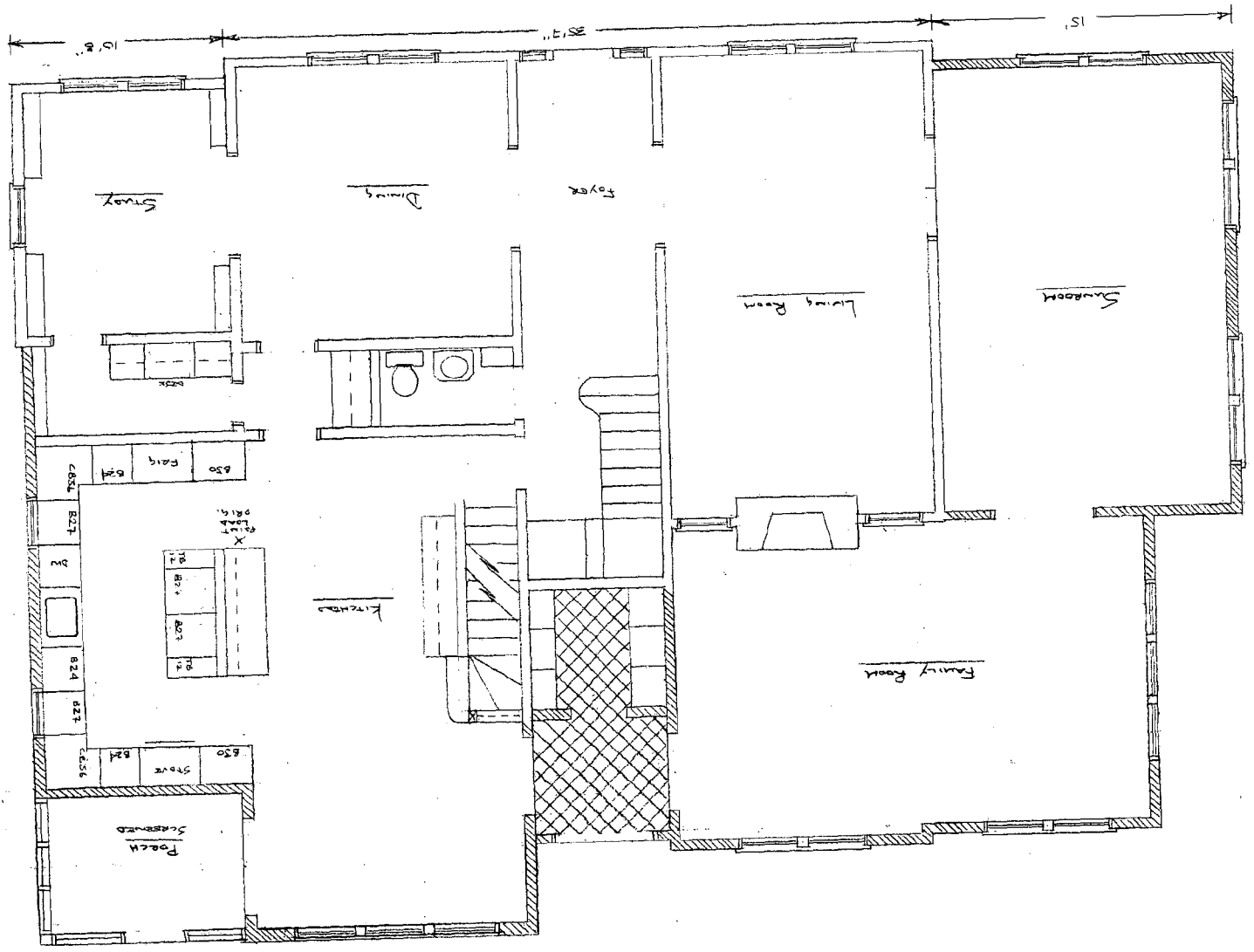
EXISTING FIRST FLOOR



Proposed First Floor

Scale 1/4" = 1'

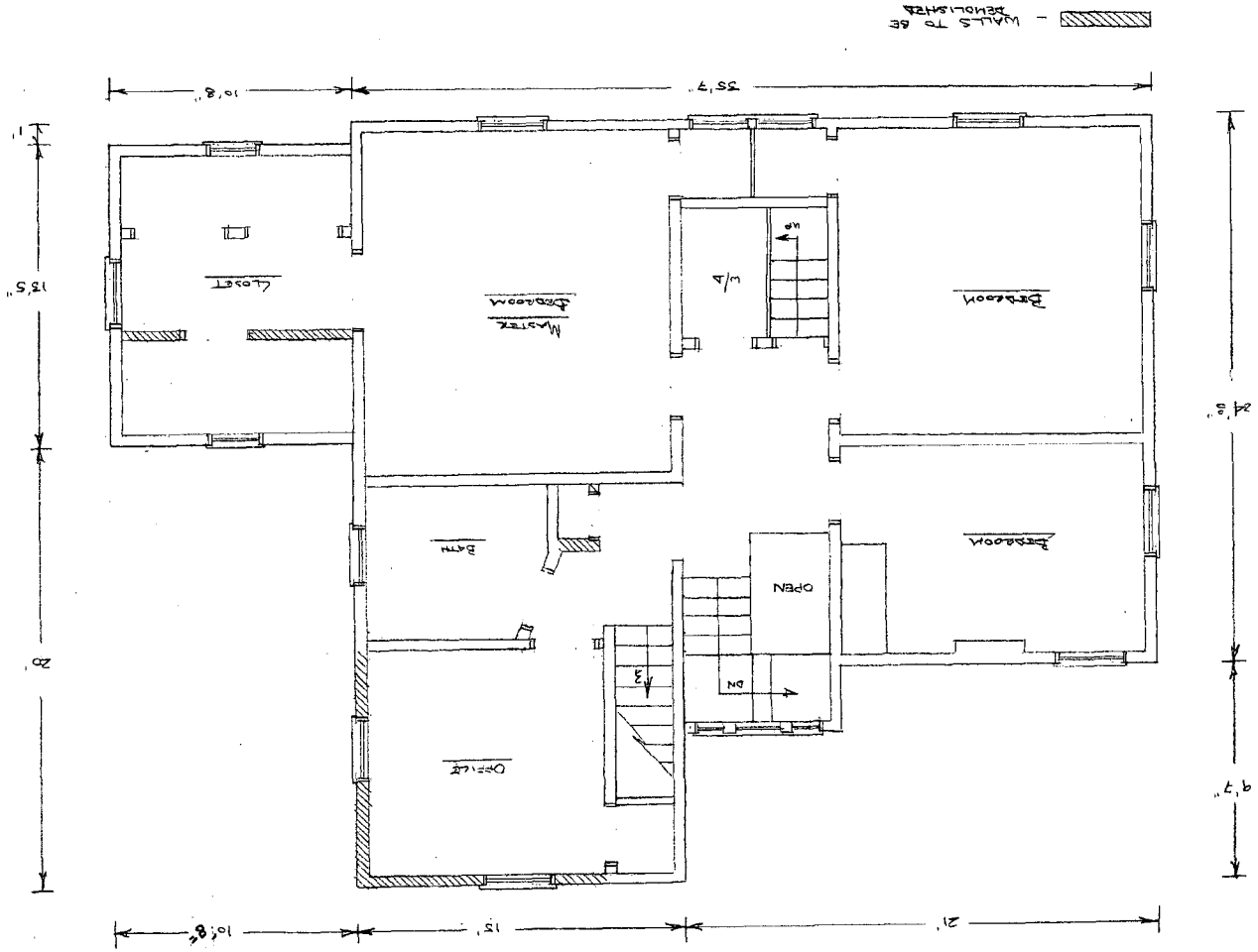
NEW CONSTRUCTION



111.25
503.8
128.7
27.47
14.24

Scale 1/4" = 1'

EXISTING SECOND FLOOR

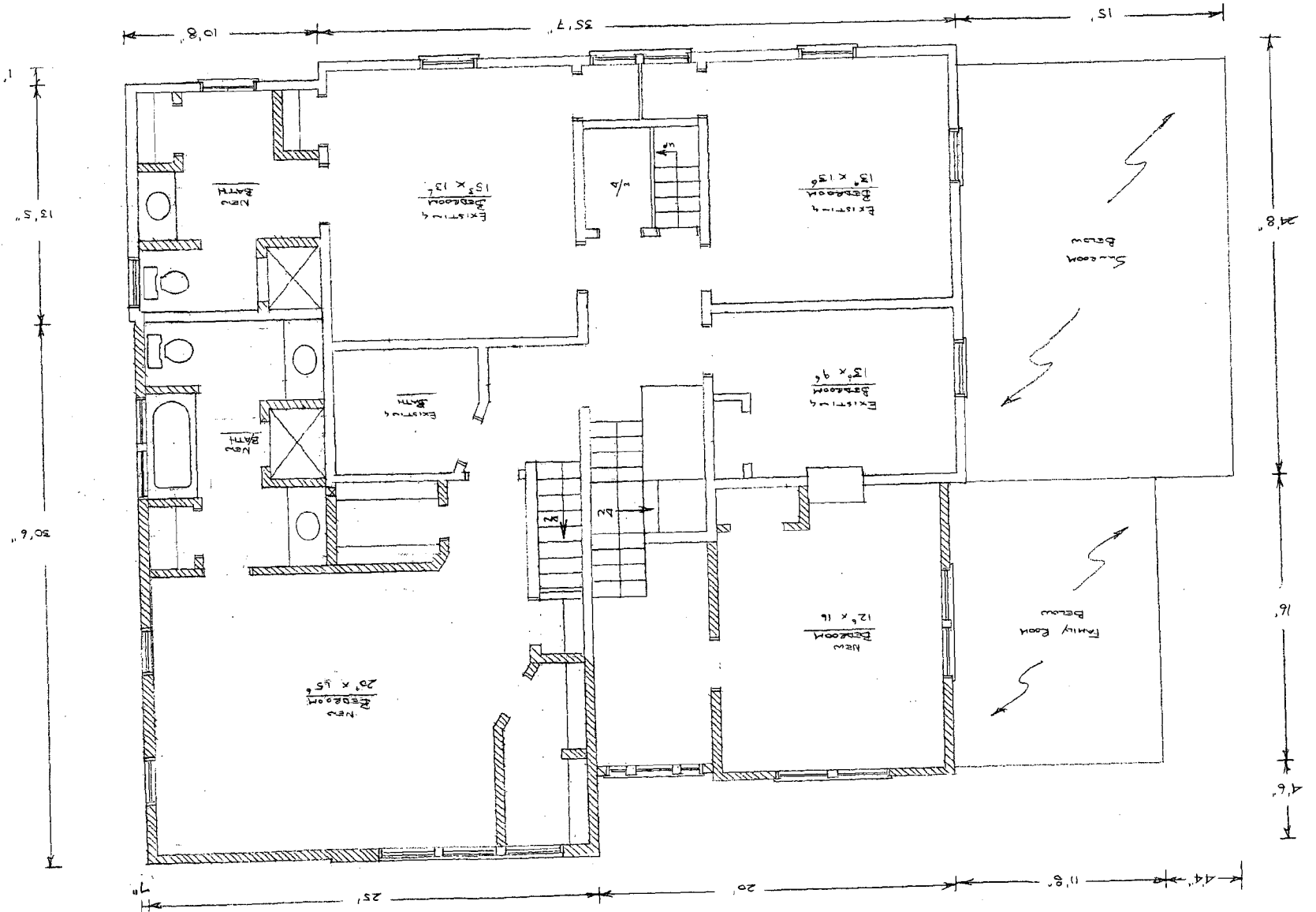


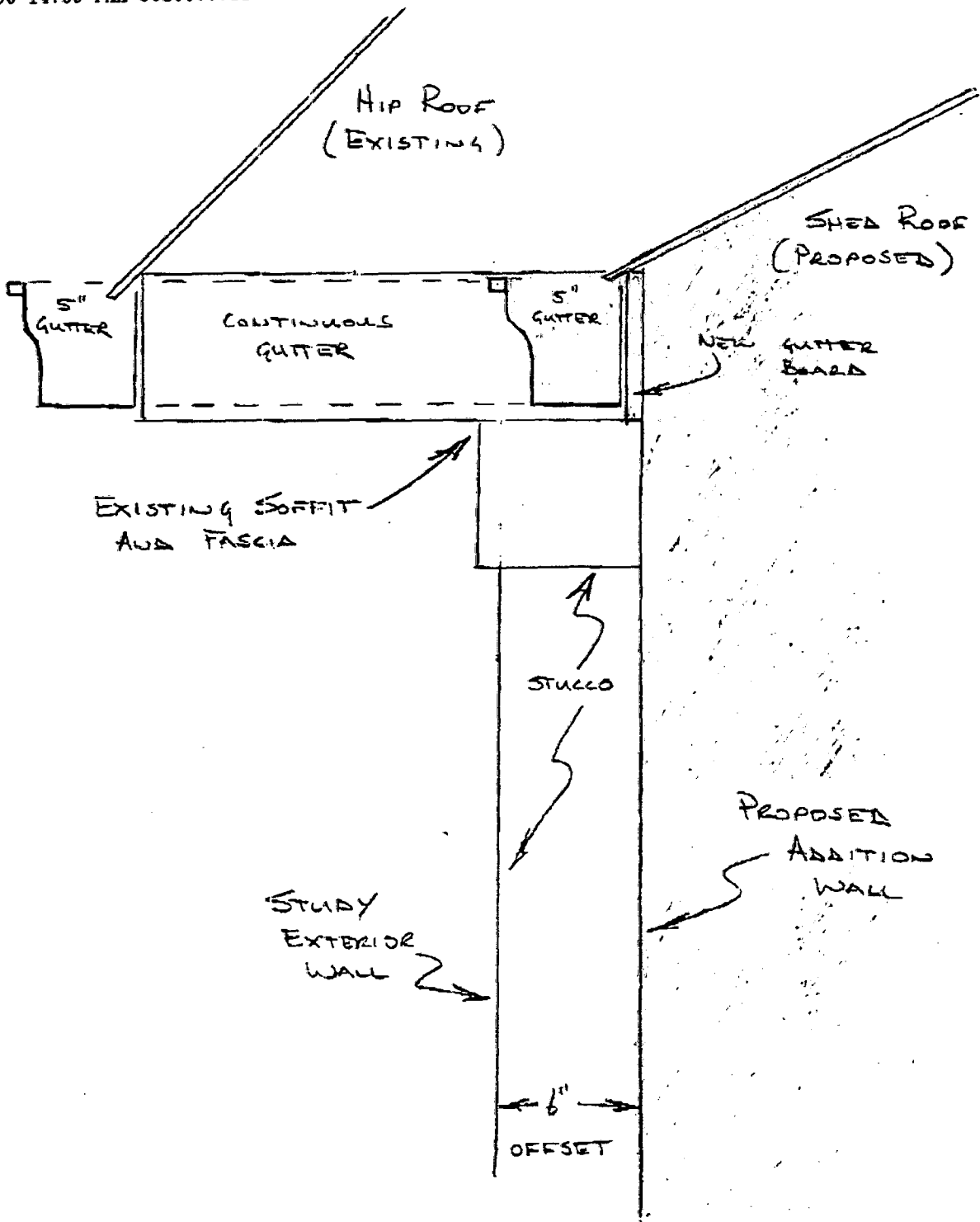
446

Scale 1/4" = 1'

Proposed Second Floor

NEW CONSTRUCTION





DETAIL C SHED ROOF

SCALE 2" = 1'

23 WEST IRVING STREET

LOT COVERAGE CALCULATION

EXISTING

HOUSE 1408.92 sf

Oaks, Michele

From: Davis-Cook, Shana [Shana.Davis-Cook@montgomerycountymd.gov]
Sent: Monday, October 16, 2006 4:09 PM
To: Oaks, Michele
Cc: Biddle, Geoff
Subject: 23 West Irving Street

Hi Michele.

To confirm the above-referenced case in respect to our Building Codes:

1. The revised roof configuration showing the eliminated eaves on the east side of the proposed addition brings the structure into compliance with our Building Code, because it eliminates the protrusion into the seven-foot side yard setback.
2. The proposed areaway on the east side of the property complies with our Code, because the retaining walls surrounding the proposed areaway will be no taller than 6 1/2'. The areaway is not classified by our Code to be a "structure" and thereby does not have to comply with the seven-foot side yard setback. The areaway must only comply with the allowable height restrictions for walls which is 6 1/2 feet high behind the front building restriction line AND within the 7-foot side yard setback.

Please let me know if you need us to provide any further clarification in this case.

Take care,

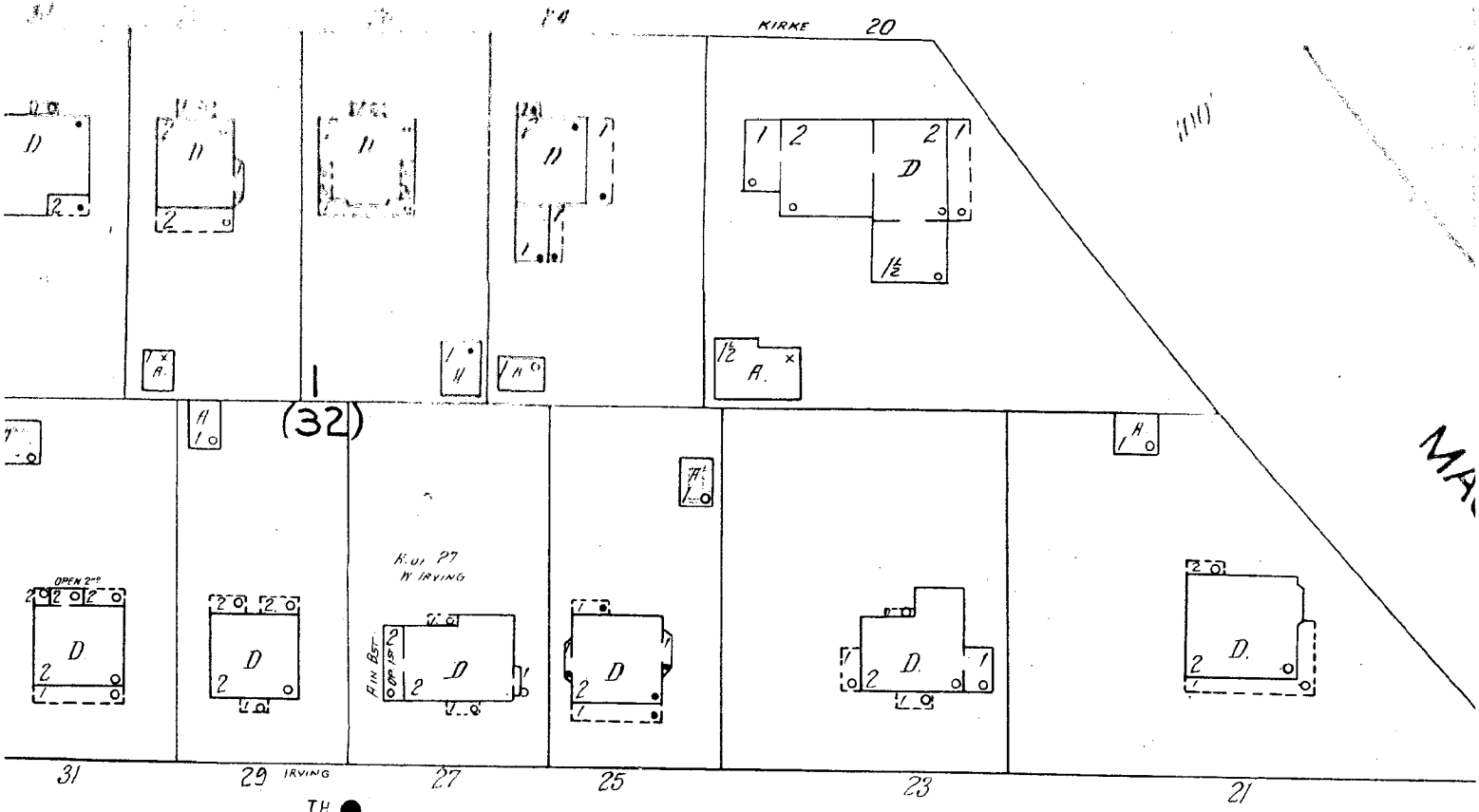
Shana D-C
CCV

Shana R. Davis-Cook
Manager of Administration
Chevy Chase Village

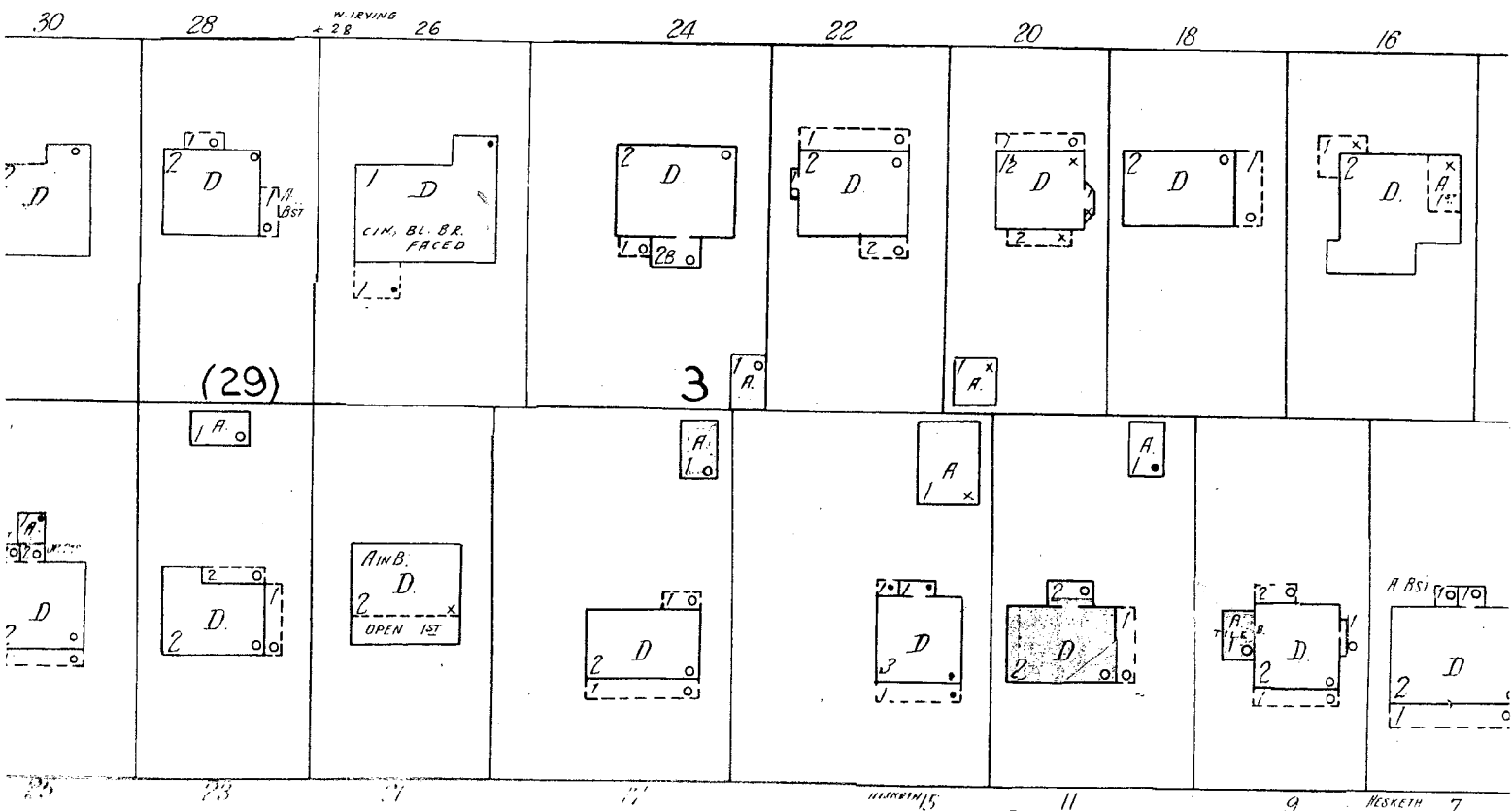
W KIRKE

4" W.P. 8" W.P.

1927



W. IRVING



HESKETH

HESKETH TH.

310

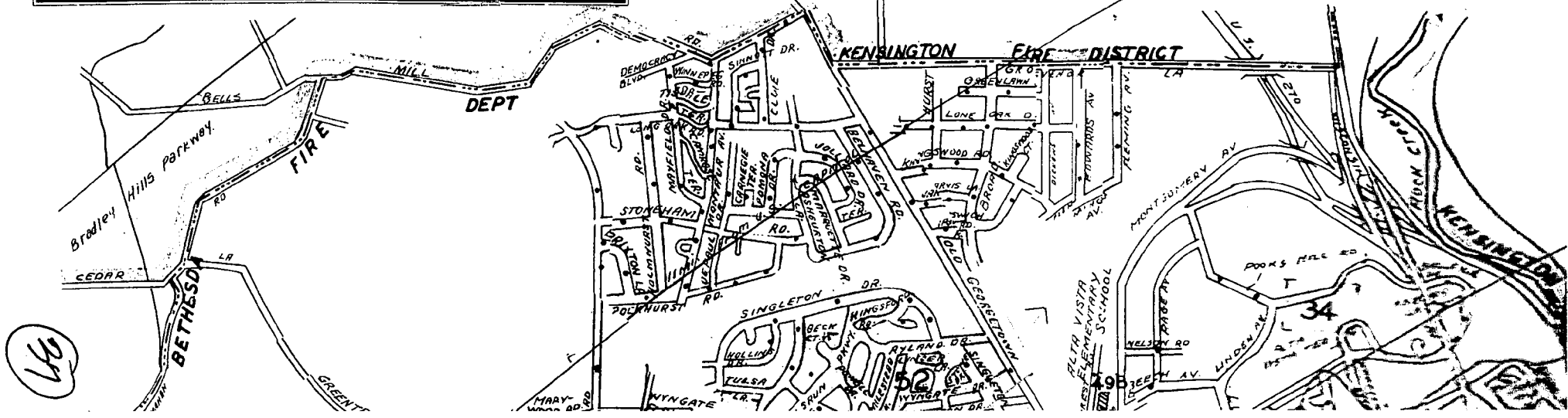
KEY

	Fire proof construction. (OR FIRE RESISTIVE CONSTR)		Window opening in first story.
	Adobe building.		Window openings in second and third stories.
	Stone building.		Window openings in second and fourth stories.
	Concrete, lime, cinder or cement brick.		Windows with wired glass.
	Hollow concrete or cement block construction.		Windows with iron or tin clad shutters.
	Concrete or reinforced concrete construction.		Window openings tenth to twenty-second stories.
	Tile building.		Open elevator.
	Brick building with frame cornice.		Frame elevator.
 stone front.		Width of steel (BETWEEN BLOCK LINES, NOT CURB LINES).
 frame side. (DIVIDED BY FRAME PARTITION)		Iron chimney.
	Brick veneered building.		Tile enclosed elevator with self closing traps.
 and frame building.		Brick enclosed elev. with wired glass door.
	Frame building brick lined.		Brick chimney.
 metal clad.		Ground elevation.
	Frame building.		Vertical steam boiler.
	Iron building.		Gasoline tank.
	Tenant building occupied by various manufacturing or occupancies.		Open under.
	Frame building covered with asbestos.		Siamese fire dept. connection.
	Brick building with brick or metal cornice.		Single fire dept. connection.
	Fire wall 6 inches above roof.		Automatic fire alarm.
 12		Independent electric plant.
 18		Automatic sprinklers.
 36		Automatic chemical sp. t.ers.
	Figures 8, 12, 16 indicate thickness of wall in inches.		Automatic sprinklers in part of building only. <small>(NOTE UNDER SYMBOL INDICATES PROTECTED PORTION OF BUILDING)</small>
	Wall without opening and size in inches.		Not sprinklered.
	Wall with openings on floors as designated.		Outside vertical pipe on fire escape.
	Opening with single iron or tin clad door.		Fire engine house, as shown on key map.
 double iron doors.		Fire pump.
 standard fire doors.		Fire alarm box.
	Openings with wired glass doors.		Single hydrant.
	Drive or passage way.		Double ..
	Stable.		Triple ..
	Auto house or private garage.		Quadruple hydrant of the High Pressure Fire Service.
	Solid brick with interior walls of C. B. or C. B. and brick mixed.		Fire alarm box of the High Pressure Fire Service.
	Mixed construction of C. B. and brick with one wall of solid brick.		Water pipes of the High Pressure Fire Service and hydrants of the "High Pressure fire Service" as shown on key map.
	Mixed construction of C. B. and brick with one wall faced with 4" brick.		Water pipes of private supply.
	Mixed construction of C. B. and brick throughout.		House numbers shown nearest to buildings are official or actually up on buildings.
			Old house numbers shown furthest from buildings.

CODING OF STRUCTURAL UNITS FOR FIREPROOF AND NON-COMBUSTIBLE BUILDINGS			
FRAMING		FLOORS	
CODE	STRUCTURAL UNIT	CODE	STRUCTURAL UNIT
A.	Reinforced Concrete Frame.	1.	Reinforced Concrete, Reinforced Concrete with Masonry Units, Pre-cast Concrete or Gypsum Slabs or Planks.
B.	Reinforced Concrete Joists, Columns, Beams, Trusses, Arches, Masonry Piers.	2.	Concrete on Metal Lath, Incombustible Form Boards, Paper-backed Wire Fabric, Steel Deck, and Cellular, Ribbed or Corrugated Steel Units.
C.	Protected Steel Frame.	3.	Open Steel Deck or Grating.
D.	Individually Protected Steel Joists, Columns, Beams, Trusses, Arches.		
E.	Indirectly Protected Steel Frame.		
F.	Indirectly Protected Steel Joists, Columns, Beams, Trusses, Arches.		
G.	Unprotected Steel Frame.		
H.	Unprotected Steel Joists, Columns, Beams, Trusses, Arches.		
O.	Masonry Bearing Walls.		

<p>The coding for framing, floor and roof structural units as shown above is used in describing the construction of fire-resistive buildings. In addition, reports for fire-resistive buildings will show the date built and wall construction when other than brick.</p> <p>F P buildings have masonry floors and roof; concrete and/or directly or indirectly protected steel framing; and clay brick, stone or poured concrete walls.</p> <p>F P X buildings are F P buildings with inferior walls such as concrete block, cement brick, metal or glass panels, etc.</p> <p>N C buildings have unprotected steel framing and fire-resistive but non-masonry floors and roof.</p>	<p>FP-1962 (CANCY) A-1-B</p> <p>A fire-resistive building built in 1962 with concrete walls and reinforced concrete frame, floors and roof.</p>
	<p>FP-1962 F-P-1962 B-2-C</p> <p>A fire-resistive building built in 1962 with metal panel walls, indirectly protected steel frame, concrete floors and roof on metal lath, noncombustible ceilings.</p>
	<p>NC-1962 N-2-D</p> <p>A noncombustible building built in 1962 with concrete block walls; unprotected steel columns and beams; concrete floors on metal lath and steel deck roof.</p>

SEE VOLUME



Existing Property Condition Photographs (duplicate as needed)



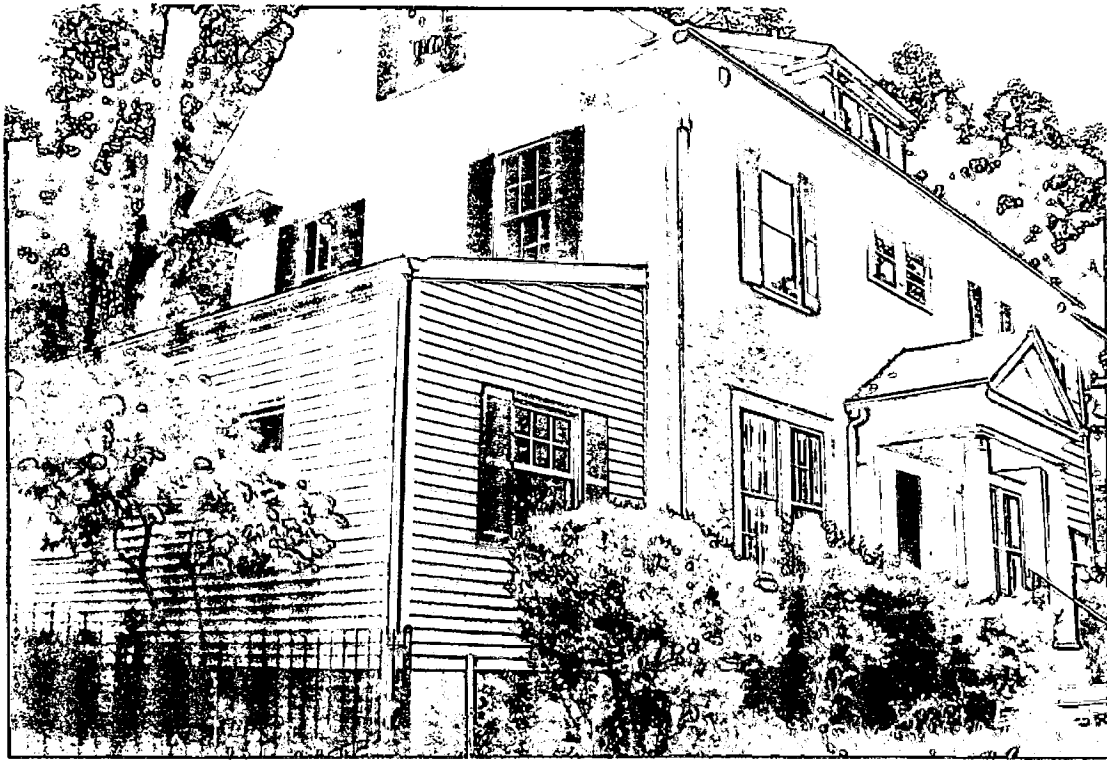
Detail: FRONT ELEVATION



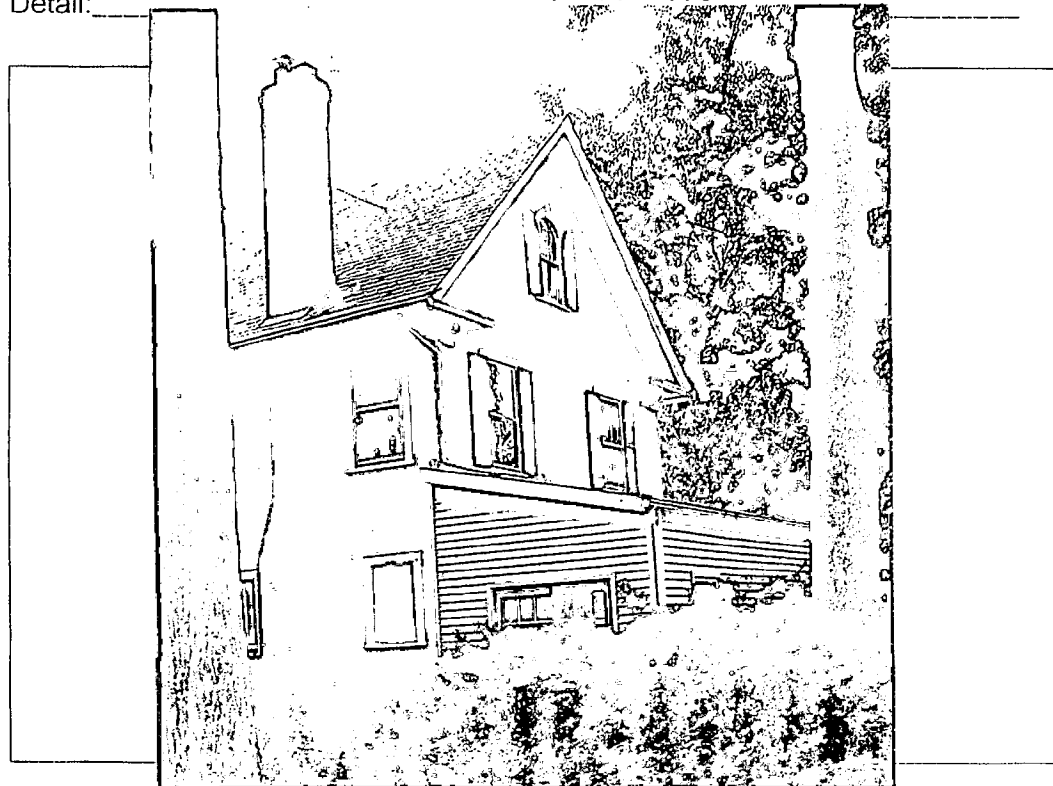
Detail: EAST SIDE ADDITION

Applicant: _____

Existing Property Condition Photographs (duplicate as needed)



Detail: WEST SIDE ADDITION



Detail: WEST SIDE ADDITION

Applicant: _____

Existing Property Condition Photographs (duplicate as needed)



Detail: REAR ELEVATION (NORTH)

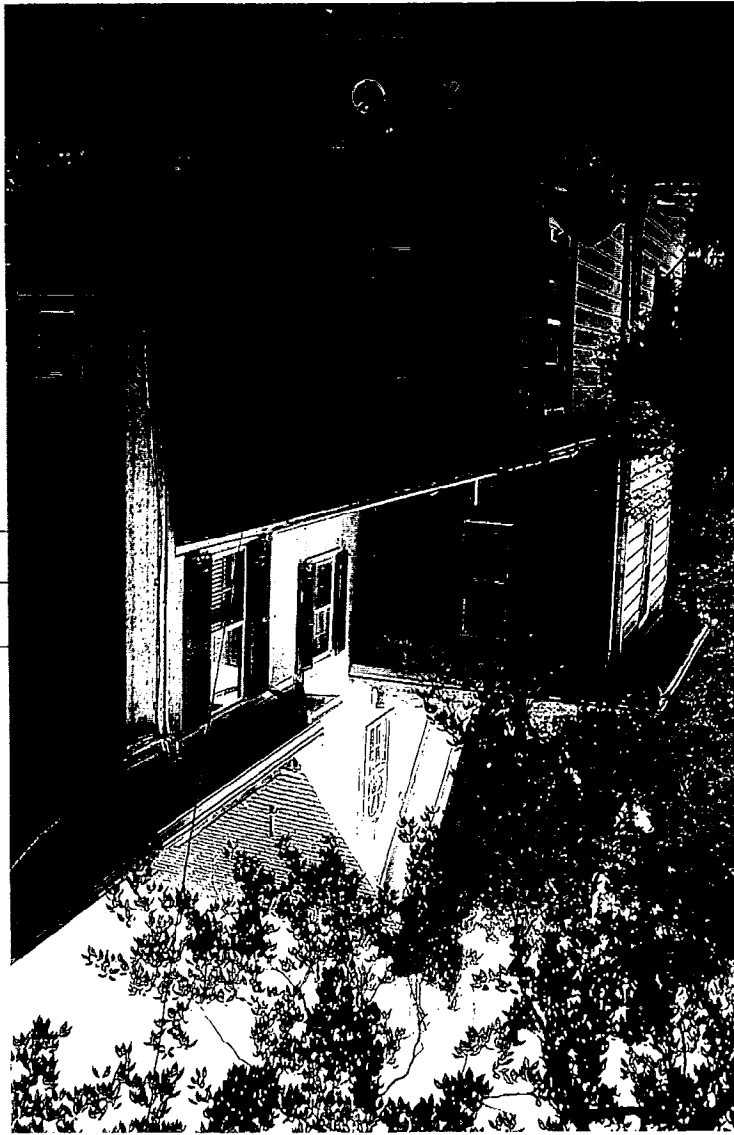


Detail: _____

REAR ELEVATION @ EAST ADDITION

Applicant: _____

Detail: EAST SIDE ELEVATION (OBLIQUE)



Detail:

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	23 W. Irving St, Chevy Chase	Meeting Date:	11/15/2006
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	11/08/2006
Applicant:	Duane & Paula Gibson (Paul Locher, Agent)	Public Notice:	11/01/2006
Review:	HAWP	Tax Credit:	N/A
Case Number:	35/13-06DD CONTINUED	Staff:	Michele Oaks
PROPOSAL:	Additions		

RECOMMENDATION: Approve with Conditions

BACKGROUND

The Commission reviewed this HAWP application at their October 25, 2006 public hearing (transcript is attached beginning on circle 30). The Commission was generally supportive of the project, however, asked the applicant and their designer to study alternative solutions to break up the massing on the east elevation. Additionally, the Commission asked for a roof plan and a more detailed site plan.

STAFF RECOMMENDATION: Staff is recommending that the HPC approve this HAWP application with the following conditions:

1. The approved new, windows and French doors will be fabricated of painted wood, or solid wood with an exterior cladded in vinyl or aluminum. If the windows are to have a muntin profile, the windows will be a simulated divided light wood window, which contain wood muntins that are permanently bonded to the interior and exterior of the insulating glass simulating a divided light appearance. The specifications for the windows will be included in the permit sets of drawings submitted to staff at the time of stamping.
2. All the exterior detailing will be trimmed out in wood. This includes, cornices, window and door trim, balustrades etc. Paintable fiberglass columns may be used.
3. Addition will be surfaced in a true, Portland cement, 3-coat stucco finish.
4. The proposed, brick foundation is approved.
5. The permit sets of drawings will show the true, finish grades on the elevations.
6. The applicant will receive approval from Chevy Chase Village for the removal of the subject trees and will work with the Village arborist to develop a tree protection plan for this project. This plan will be implemented prior to any work beginning on the property.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Village Historic District
STYLE: Colonial Revival
DATE: c1914

The original massing is a three-bay, two-story, side gable stucco dwelling. The first floor contains a center entry detailed with a pedimented portico flanked by paired, 6/6 double-hung windows. The second level is detailed with a smaller, set of double-hung windows over the pediment flanked by single, 6/6 double hung windows detailed with operable, louvered shutters.

A two-story addition extends from the east (side) elevation of the house. The 1927 Sanborn Map that this addition was built originally as a one-story addition. Sometime after 1947, the second story was added, the bay window installed and the whole addition was covered in aluminum siding.

Additional non-contributing features/additions of the house include: a shed roof addition extends from the west elevation of the house and from the rear section of the east elevation, and a shed dormer was added to the front roof slope.

APPLICABLE GUIDELINES:

When reviewing alterations contributing resources within the Chevy Chase Village *Master Plan* Historic District two documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Montgomery County Code Chapter 24A (Chapter 24A)* and the *Chevy Chase Village Guidelines* adopted as part of the Amendment to the Bethesda-Chevy Chase Master Plan in 1997. The pertinent information in these documents is outlined below.

Montgomery County Code; Chapter 24A

A HAWP permit should be issued if the Commission finds that:

1. The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
2. The proposal is compatible in character and nature with the historical archaeological, architectural or cultural features of the historic site or the historic district in which a historic resource is located and would not be detrimental thereto of to the achievement of the purposes of this chapter.
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, archaeological, architectural or cultural value of the historic site or historic district in which an historic resource is located.

Chevy Chase Village Guidelines

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* that pertain to this project are as follows:

- Major additions should, where feasible, be placed to the rear of the existing structure so that they are less visible from the public right-of-way. Major additions, which substantially alter or obscure the front of the structure should be discouraged but not automatically prohibited.
- Lot coverage should be subject to strict scrutiny, in view of the critical importance of preserving the Village’s open park-like character.
- Roofing materials should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. In general, materials differing from the original should be approved for contributing resources.
- Windows (including window replacement) should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. Vinyl and aluminum windows should be discouraged.
- Exterior trim (such as moldings on doors and windows) on contributing resources should be subject to moderate scrutiny if it is visible from the public right-of-way, lenient scrutiny if it is not.
- Tree removal should be subject to strict scrutiny and consistent with the Chevy Chase Village Urban Forest Ordinance.

PROPOSAL:

The applicant is proposing to:

1. Remove the existing windows on the front elevation of the existing two-story, addition, which protrudes from the east elevation and replace them with a paired, 6/6 double hung window on the first floor and a 6/6 double-hung, window flanked by louvered shutters on the second floor.

2. Remove all of the non-original aluminum siding from the two-story addition and replace it with stucco to match the main massing.
3. Demolish the existing, one-story, non-contributing, shed roof addition, which protrudes from the rear section of the east elevation of the house.
4. Construct a new, two-story addition in the same location. The addition will connect to the existing two-story addition. The proposed materials include stucco, wood windows and doors, brick foundation, and combination asphalt and smooth metal roof. The smooth metal roof is being proposed on the "hyphen".
5. Demolish the existing one-story, non-contributing, shed roof addition (10'6" wide x 23'7" long), which protrudes from the west elevation of the house.
6. Construct a new, one-story, flat roof addition along the west elevation of the house. The addition will measure 15' wide x 23'7" long.
7. Construct a new, one-story, shed roof addition, protruding from the rear section of the new one-story, flat roof addition being built along the west elevation of the house. This addition will measure 11'5" wide x 16' long.
8. Extend the existing, two-story, rear ell, 11' into the rear yard. The applicant proposes to match the detailing on the ell, which includes stucco, the cornice detailing which includes the large returns, the re-use of the gable window etc.
9. Construct a new, 13' wide by 16' long, two-story, rear ell addition. This addition will match the detailing and materials in the existing ell.
10. Remove two (2) trees for the proposed, new construction. (Chevy Chase Village Board of Managers approved the removal of these trees at their October 9, 2006 hearing).

CALCULATIONS

Existing Lot 12,500 sq. ft.

Existing

House 1,668.92 sq. ft
Lot Coverage 13%

w/ Shed 89.25 sq. ft
Lot Coverage 14%

Proposed

House 2,656.70 sq. ft
Lot Coverage 21%

w/ Shed 89.25 sq. ft.
Lot Coverage 22%

STAFF DISCUSSION

The applicants have addressed the concerns expressed by the Commission at the previous public hearing. The new plan places the addition behind the original massing on the east elevation with an 18” offset. The long wall is broken up at the point where the rooflines change with a second offset of 6”. The window has been re-centered on the second floor of the original massing on this façade as well.

The agent has also provides a roof plan and a more detailed site plan, with a cross section showing the proposed retaining wall.

The subject proposal will not negatively impact the existing historic integrity of the house; will be sympathetic to its architectural design, and compatible with the overall streetscape and historic character of the district. This proposal meets the criteria outlined in the *Chevy Chase Village Guidelines*. Staff recommends approval with the above-mentioned standard conditions.

STAFF RECOMMENDATION:

Staff recommends that the Commission **approve** the HAWP application **with the conditions specified on Circle 1** as being consistent with Chapter 24A-8(b)(1) (2) & (3);

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.



RETURN TO DEPARTMENT OF PERMITTING SERVICES
255 ROCKVILLE PIKE 2nd FLOOR ROCKVILLE, MD 20850
240 777-6070

DPS - #8

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

**APPLICATION FOR
HISTORIC AREA WORK PERMIT**

Contact Person: Paul Locher Jr
Daytime Phone No.: 301-518-7053

Tax Account No.: _____
Name of Property Owner: Diane & Paula Gibson Daytime Phone No.: 301-215-9093
Address: 23 WEST IRVING ST CHEVY CHASE MD 20815
Street Number City Street Zip Code
Contractor: LOCHER DESIGN BUILD Phone No.: 301-592-0070
Contractor Registration No.: MHIC 46323
Agent for Owner: PAUL LOCHER JR Daytime Phone No.: 301-518-7053

LOCATION OF BUILDING/PREMISE

House Number: 23 Street: WEST IRVING STREET
Town/City: CHEVY CHASE Nearest Cross Street: MAGNOLIA PARKWAY
Lot: 1 & PT 17 Block: 32 Subdivision: SECTION 2
Liber: 2095 Folio: 336 Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

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: _____
1B. Construction cost estimate: \$ 400,000
1C. If this is a revision of a previously approved active permit, see Permit # _____

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

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.

Paul R. Locher Jr Oct 3, 2006
Signature of owner or authorized agent Date

Approved: _____ For Chairperson, Historic Preservation Commission
Disapproved: AP Signature: _____ Date: _____
Application/Permit No.: 434952 Date Filed: _____ Date Issued: _____

A

6

**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:

SEE ATTACHED

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

SEE ATTACHED

2. **SITE PLAN**

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

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

3. **PLANS AND ELEVATIONS**

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

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

4. **MATERIALS SPECIFICATIONS**

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

5. **PHOTOGRAPHS**

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

6. **TREE SURVEY**

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

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

For **ALL** projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question. You can obtain this information from the Department of Assessments and Taxation, 51 Monroe Street, Rockville, (301)279-13551.

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.

23 West Irving Street is a well proportioned c. 1914 neo colonial. Unfortunately, the house was modified several times over the last fifty years, most times lacking in attention to size, scope and material selections. The remains of the original house with its classic lines and volume, sits unmodified on a slight hill, its dignity lessened by the two poorer quality additions on the left and right flank.

The original main structure retains its stucco exterior, most of its wood shutters and trims, plus the original windows. A portion of the wood trim has been encased in aluminum and remains obscured. The original two story addition on the right flank has been severely modified and retro-fitted with among other things, a bay window and aluminum siding. On the other side, the original one story addition, possibly a sunroom or screened porch, has been grossly enlarged, re-fitted with undersized windows, then covered in vinyl siding.

The project requirements start with correcting several imbalances with the existing structure, while at the same time working to restore a sense of design that is currently lacking.

The first imbalance stems from the house being functionally obsolete, including oddly sized rooms, poorly proportioned spaces and most critically, no circulating floor pattern on the first floor. The second imbalance addresses the four bedroom layout, equipped with only one bath and no master suite.

The additions designed to correct these flaws are to be harmonious with the historic aspect of the original structure and to add a sense of scale currently missing. The majority of this work would be to the rear of the house, having little impact on the historical environment.

The re-working of the two side additions, and their front facades would clearly enhance the classic appeal of the house by reverting them to traditional designs and natural materials. The completed project would complement and further enhance the historic village by being a showcase for quality design and construction.

Confronting Owners

18 West Irving Street	James Meisel and Julia Dahlberg
20 West Irving Street	James and Kristen Somervell
22 West Irving Street	Georgia Fitzpatrick
24 West Irving Street	Davis and Cary Williams

Adjacent Owners

25 West Irving Street	Brendan and Margaret Babbington
16 Magnolia Parkway	John Finneran, Jr. and Catherine Cotler
20 West Kirke Street	C. Benjamin and Virginia Crisman

23 WEST IRVING STREET

LOT COVERAGE CALCULATION

EXISTING

HOUSE	1608.92	sq
STOOP	60.00	sq
SHED	89.25	sq
	<u>1758.17</u>	sq TOTAL

LOT OF 12500 sq

$$1758.17 / 12500 = 14.06\% \text{ COVERAGE}$$

PROPOSED

HOUSE	2596.70	sq
STOOP	60.00	sq
SHED	89.25	sq
	<u>2745.95</u>	sq
DECK	220	sq

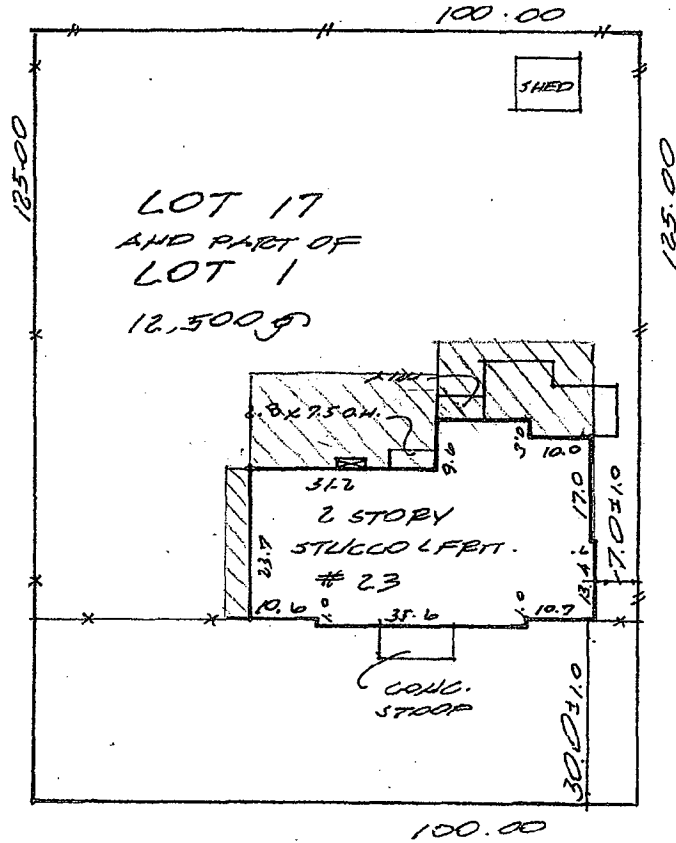
LOT OF 12500 sq

$$2745.95 / 12500 = 21.96\% \text{ COVERAGE}$$

$$\text{DECK} = 1.6\%$$

$$\underline{23.56\% \text{ COVERAGE}}$$

Site Plan



Stephen John Westfield
Paula Beaman Libera

IRVING STREET, WEST

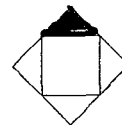
Property predates modern day zoning.

Date: 12-13-04 Scale: 1"=30' Dm: B.D.
 Plat Book: 2
 Plat No.: 106 NO TITLE REPORT FURNISHED
 Work Order: 04-6668
 Address: 23 IRVING STREET, WEST
 District: 7
 Jurisdiction: MONTGOMERY COUNTY, MD

Surveyor's Certification

I hereby certify that the survey shown hereon is correct to the best of my knowledge and that, unless noted otherwise, it has been prepared utilizing description of record. This survey is not a boundary survey and the location or existence of property corners is neither guaranteed nor implied. Fence lines, if shown, are approximate in location. This property does not lie within a 100-year flood plain according to FEMA insurance maps as interpreted by the originator unless otherwise shown hereon. Building restriction lines shown are as per available information and are subject to the interpretation of the originator.

Stephen John Westfield

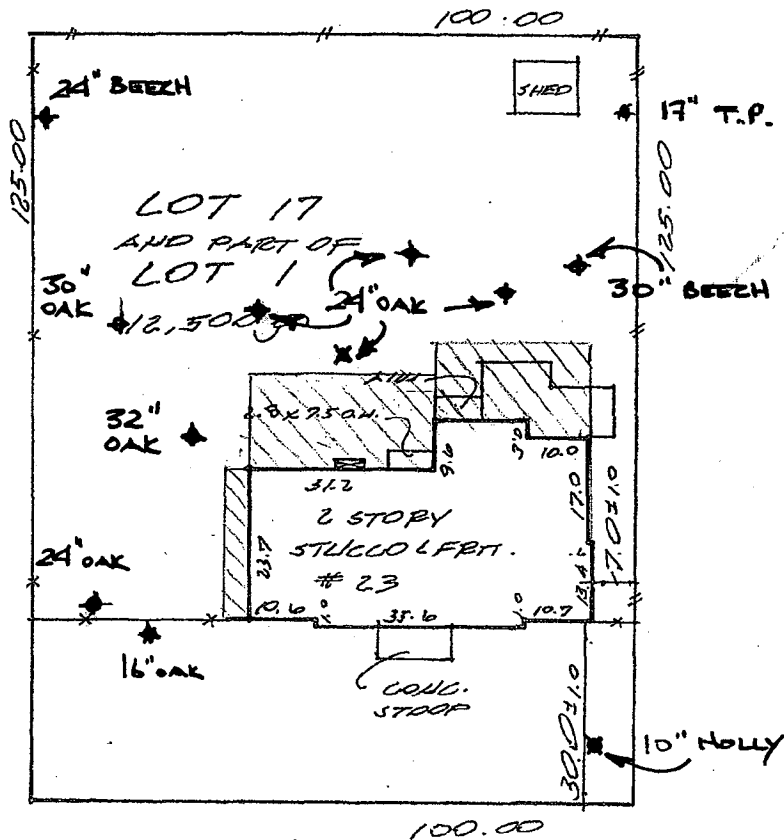


Shade portion to indicate North

Applicant: _____

Page: _____

Tree Survey



X [Signature]
X Paula Blomquist

IRVING STREET, WEST

Property predates modern day zoning.

Date: 12-13-04 Scale: 1"=30' Dm: B.P.
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[Signature]

LOCATION DRAWING
 LOT 17 & PART OF LOT 1, BLOCK 32
 SECTION No. 2, CHEVY CHASE
 LIBER 2095, FOLIO 336

NOTE: This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. This plat does not provide for the accurate identification of property boundary lines, but



Meridian Surveys, Inc.
 811 Russell Avenue
 Suite #303
 Gaithersburg, MD 20879
 (301) 771-0100

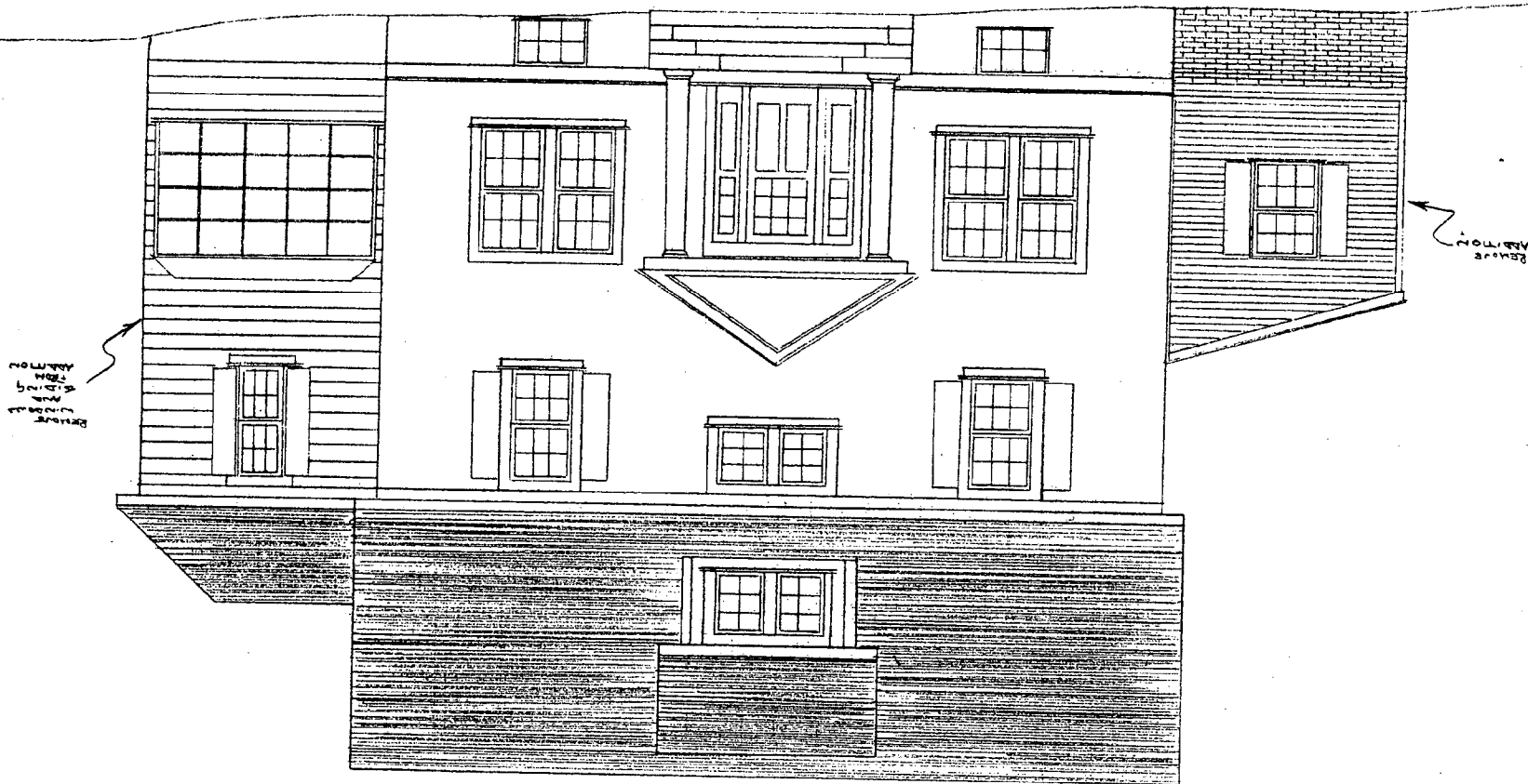
THIS PAGE WAS

INTENTIONALLY

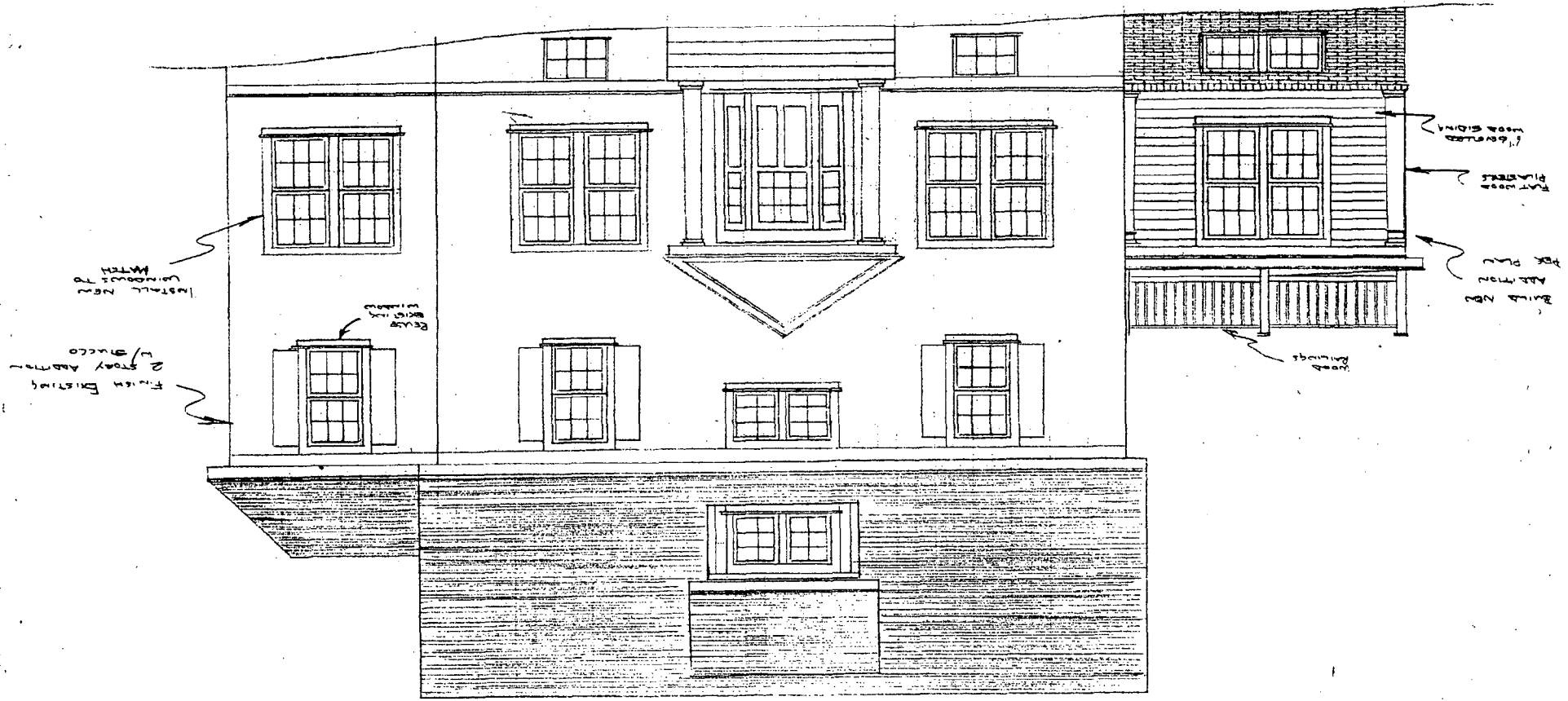
LEFT BLANK

Scale 1/4" = 1'

EXISTING FRONT ELEVATION

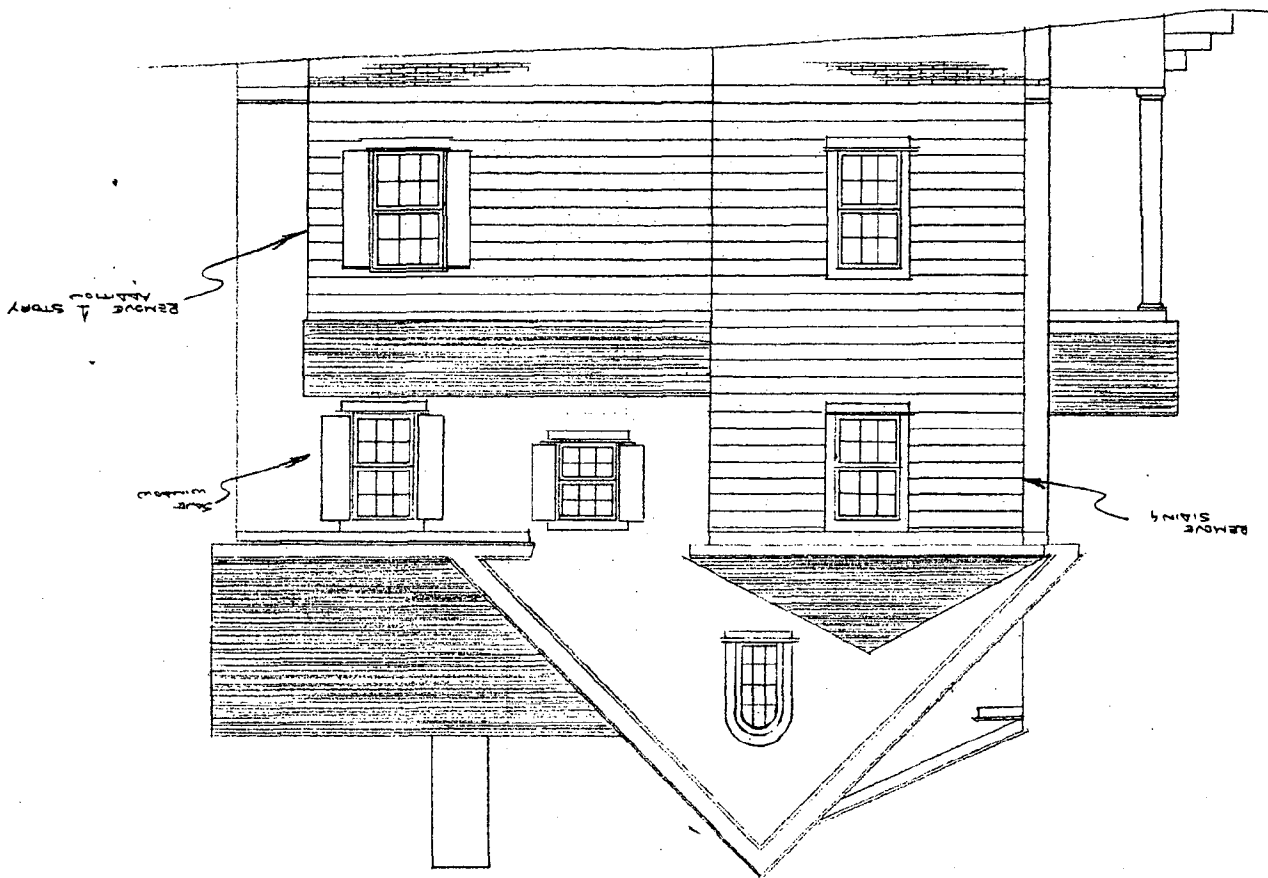


PROPOSED FRONT ELEVATION



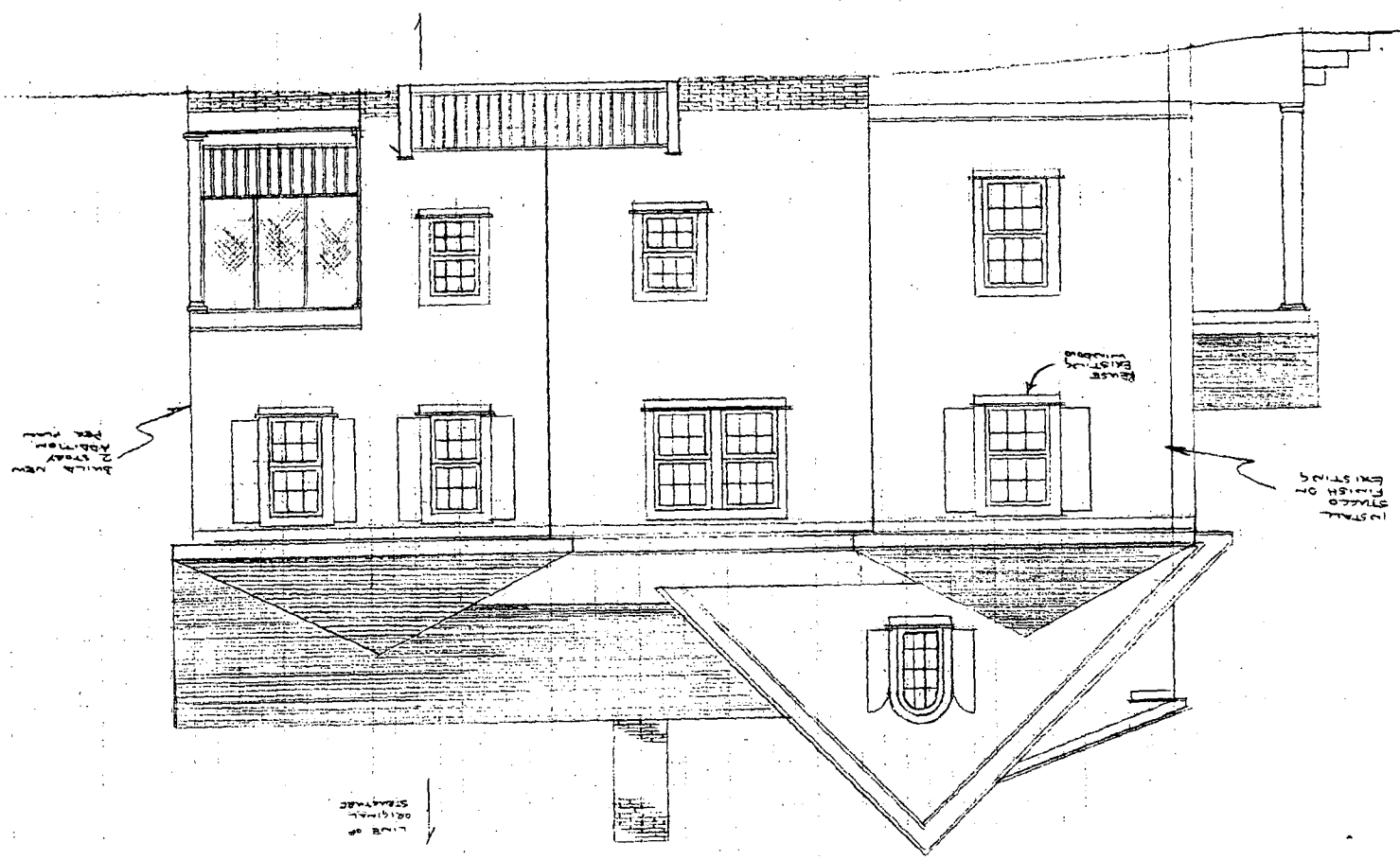
Scale 1/4" = 1'

EXISTING EAST ELEVATION



Scale 1/4" = 1'

Proposed East Elevation



REMOVE EXISTING FINISHES

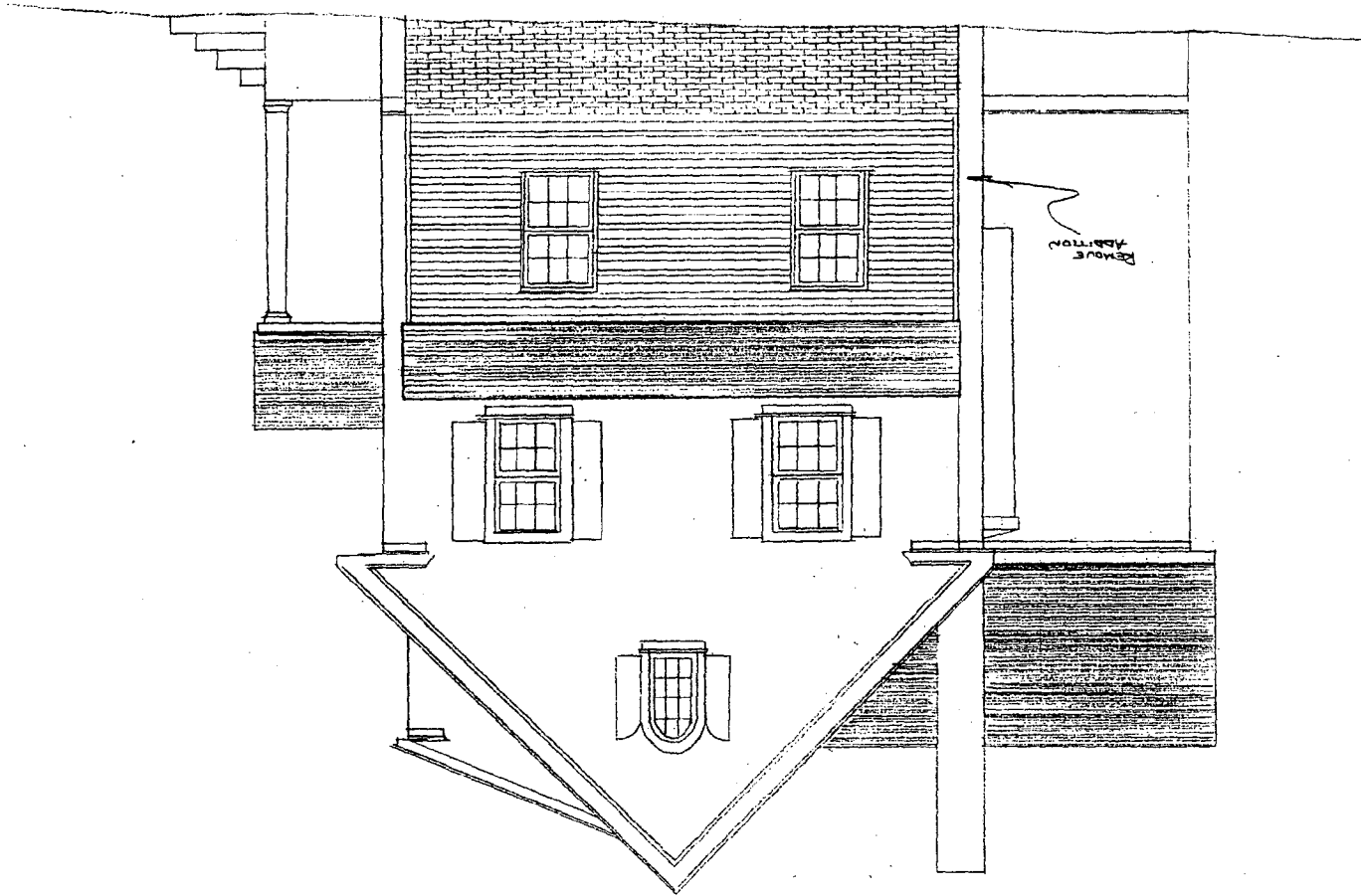
REMOVE EXISTING FINISHES

INSTALL STUCCO FINISH ON EXISTING STUDS

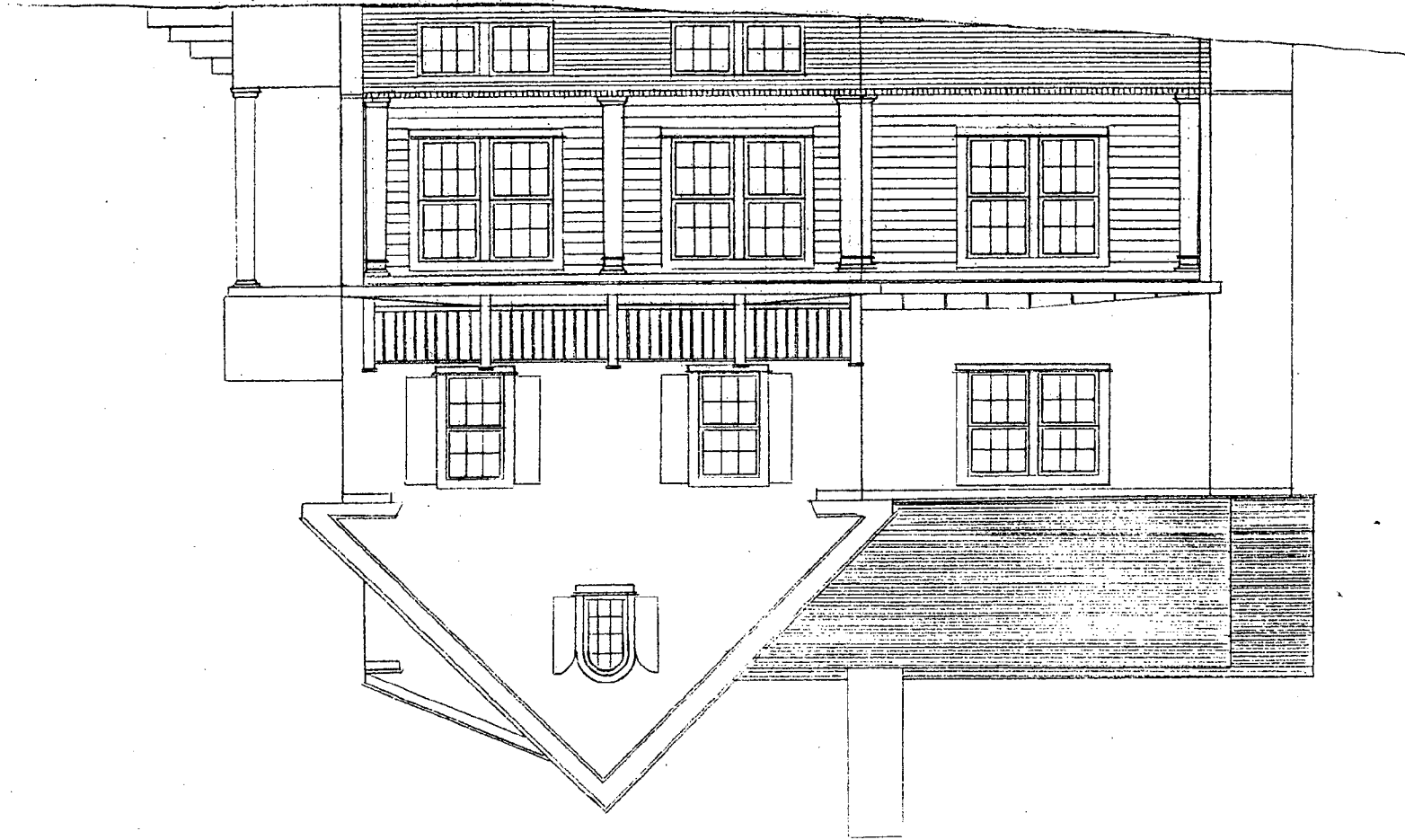
LINE OF ORIGINAL SEATING

Scale 1/4" = 1'

EXISTING WEST ELEVATION

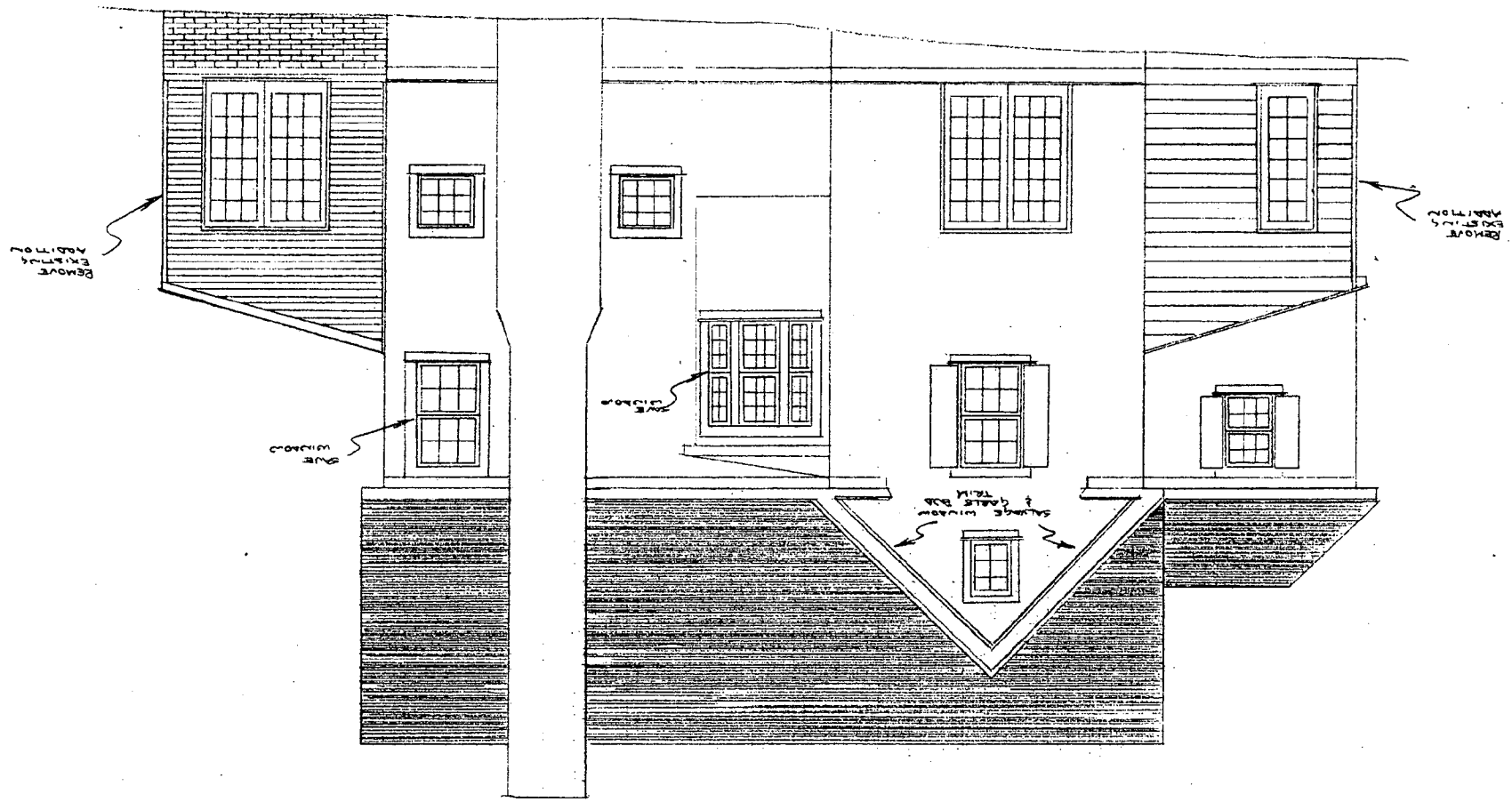


Proposed West Elevation



EXISTING NORTH ELEVATION

Scale 1/4" = 1'



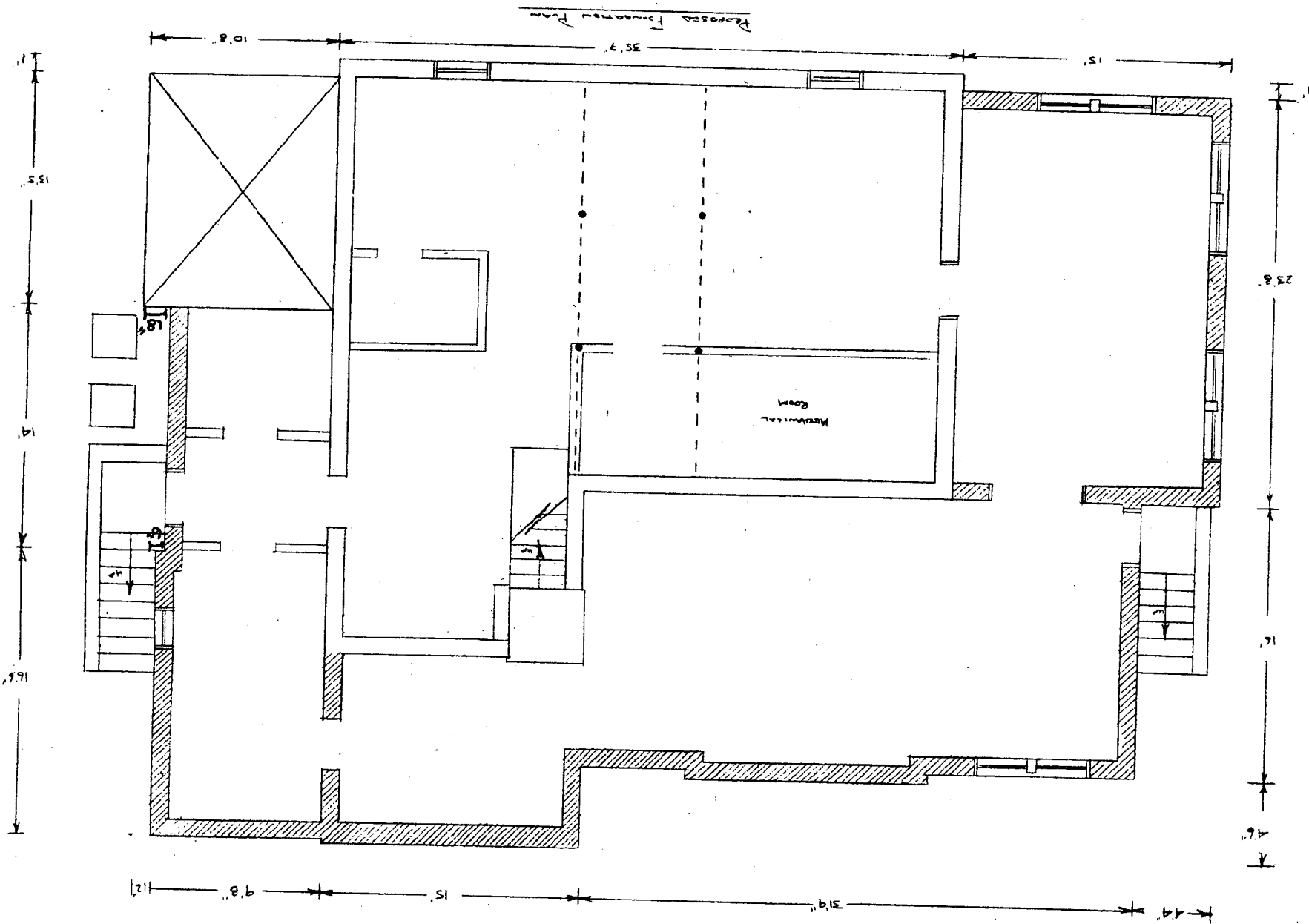


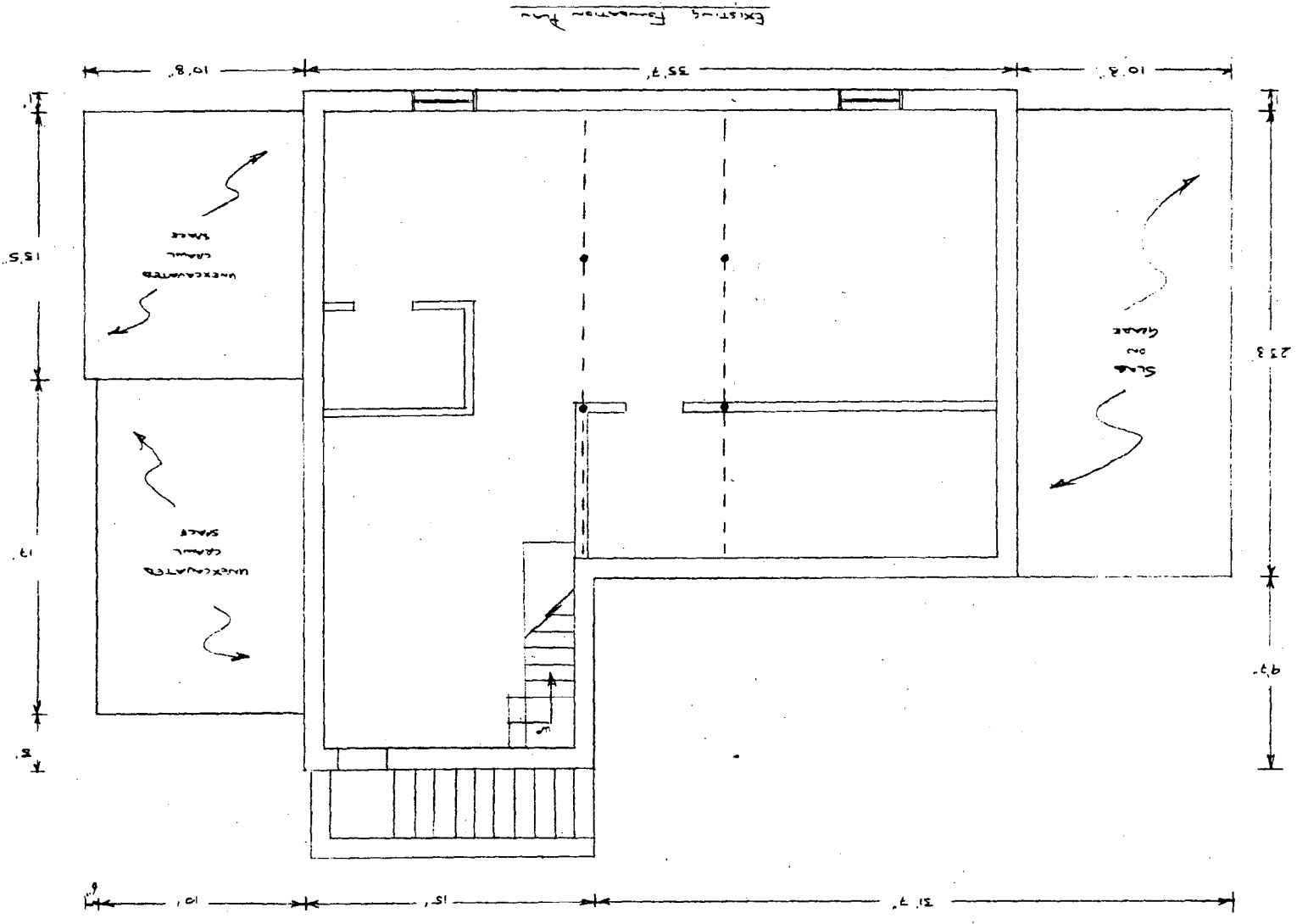
PROPOSED NORTH ELEVATION

22

Page 7 of 18

Scale 1/8" = 1'



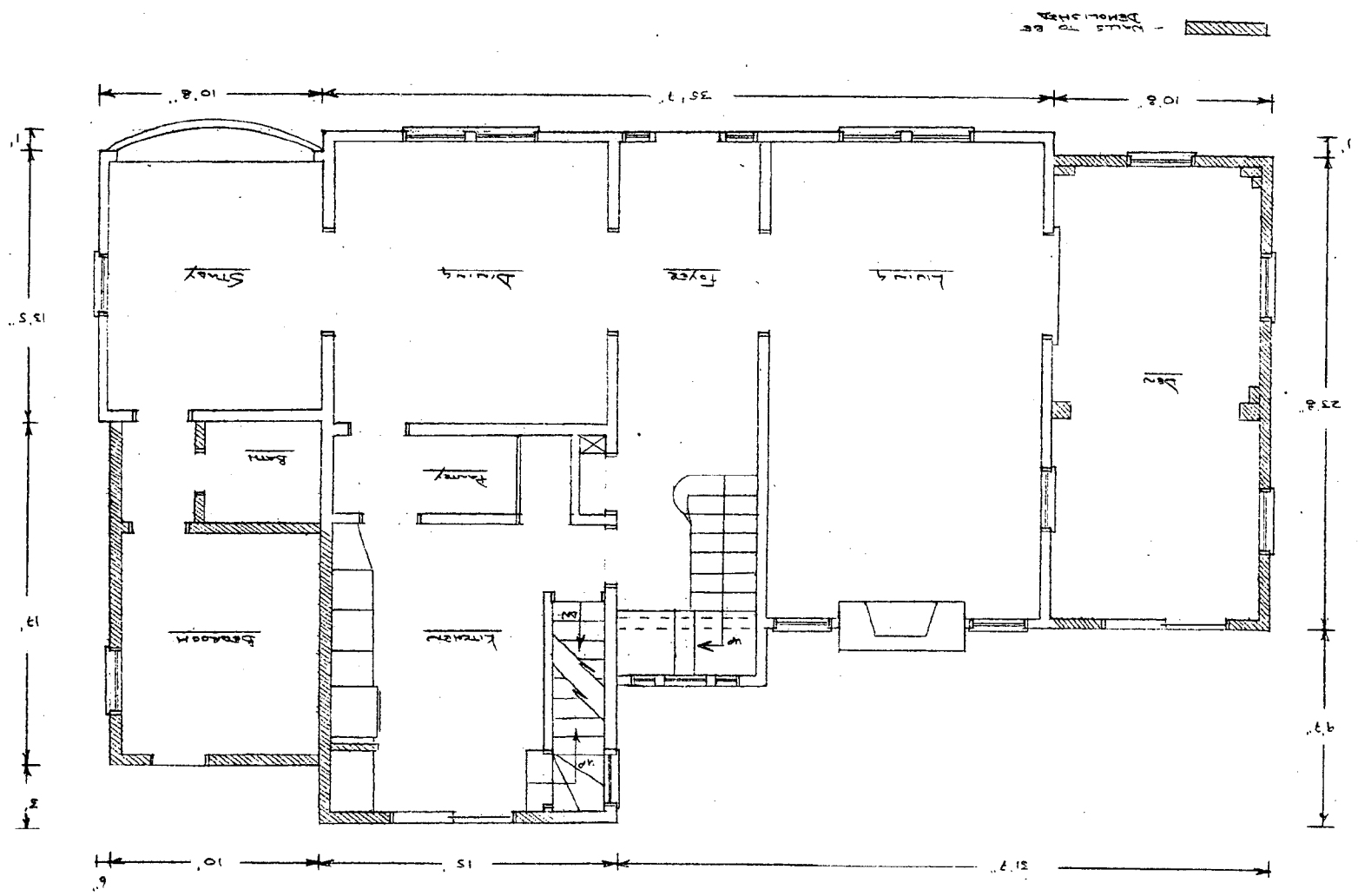


74

Sheet 5 of 18

Scale 1/4" = 1'

Dining First Floor

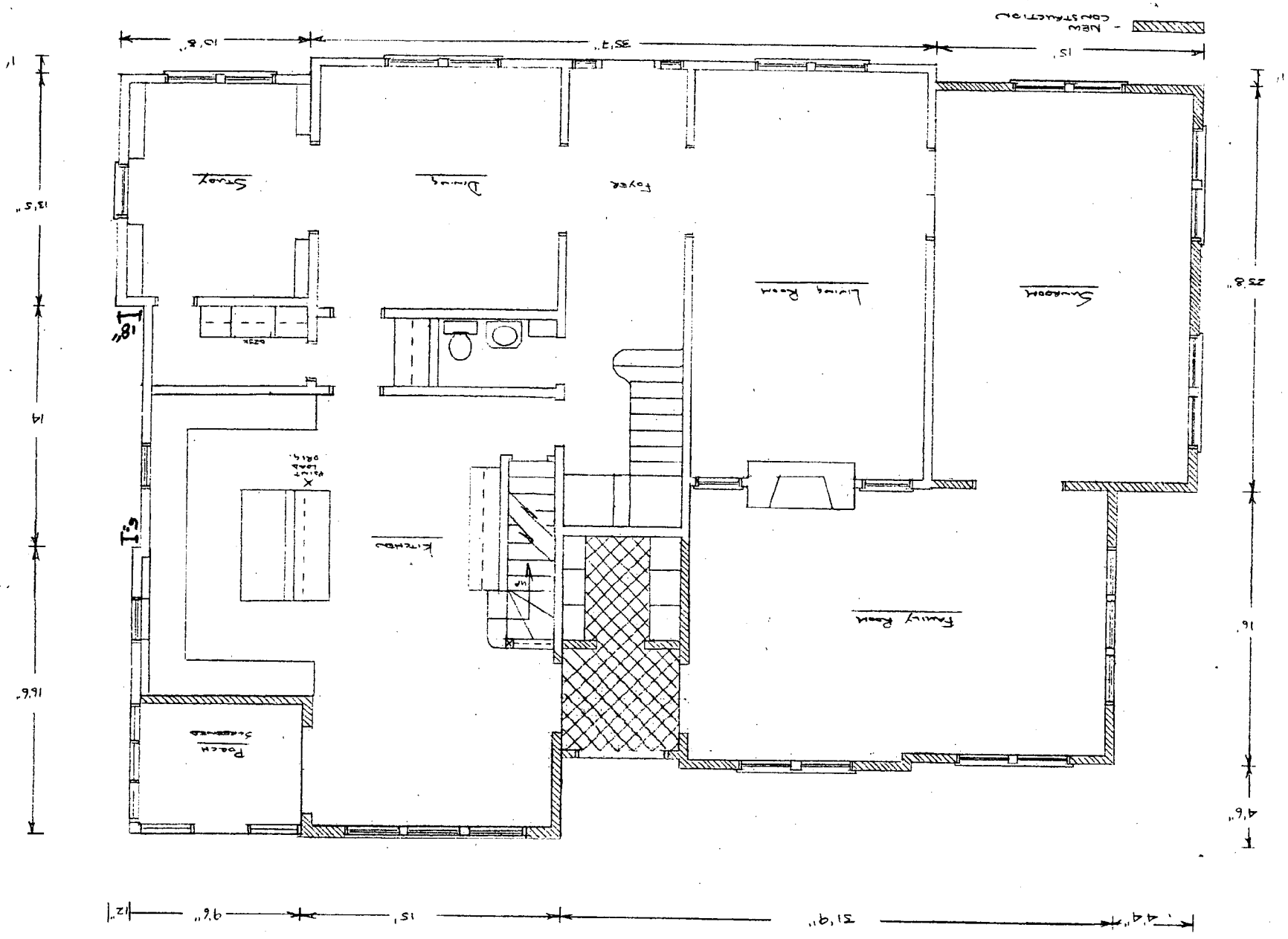


52

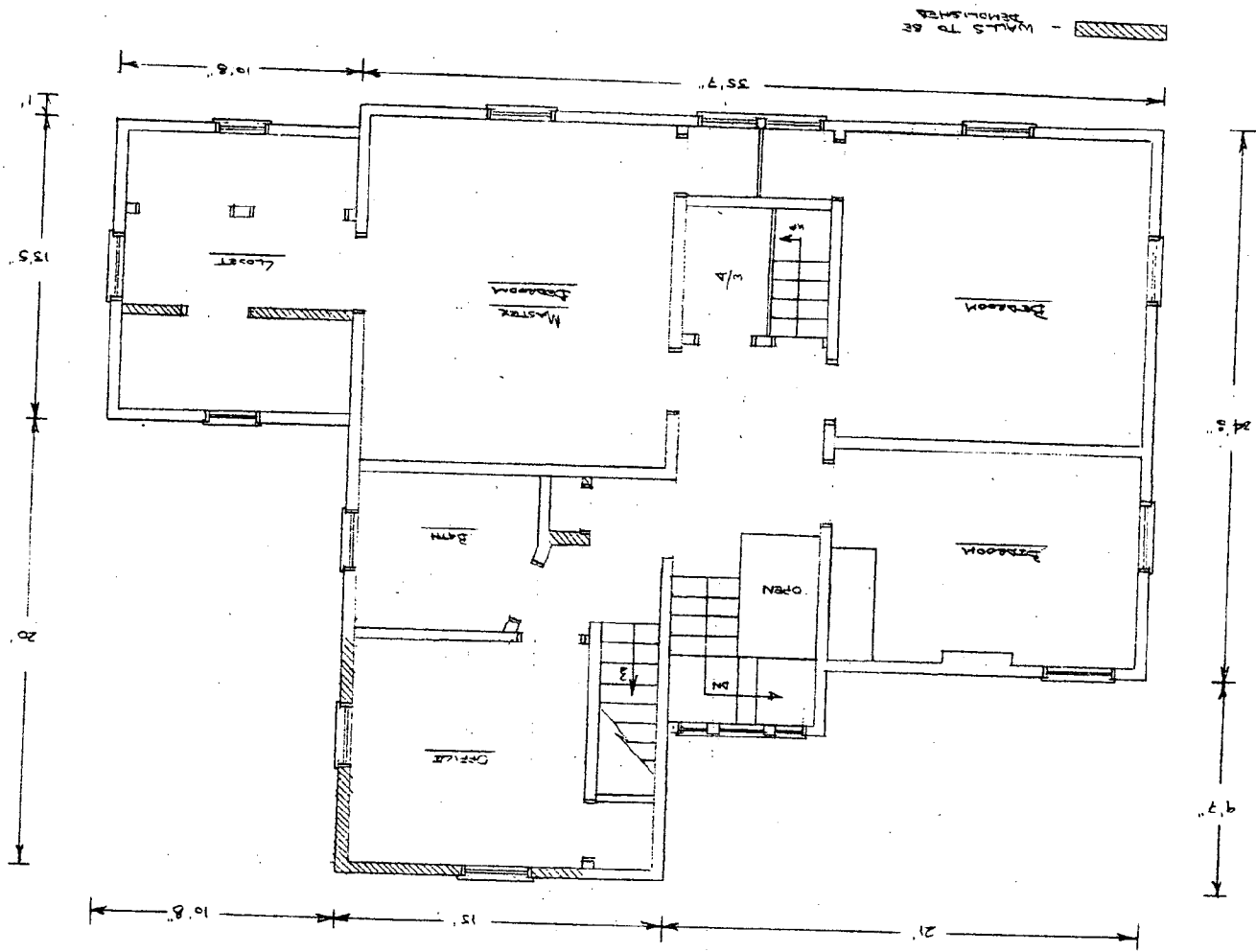
Page 8 of 10

PROPOSED FIRST FLOOR

Scale 1/4" = 1'



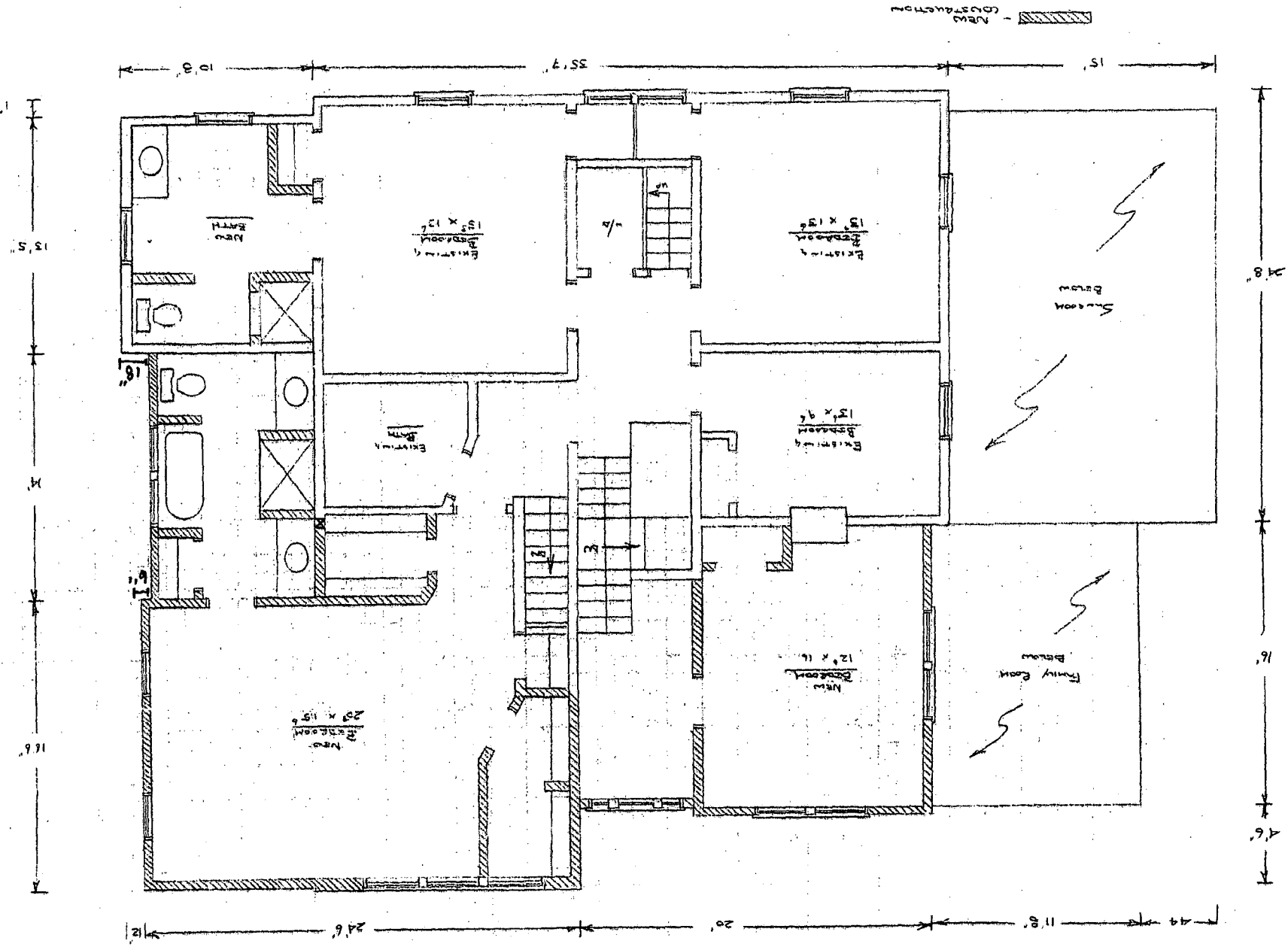
EXISTING SECOND FLOOR



Scale 1/4" = 1'

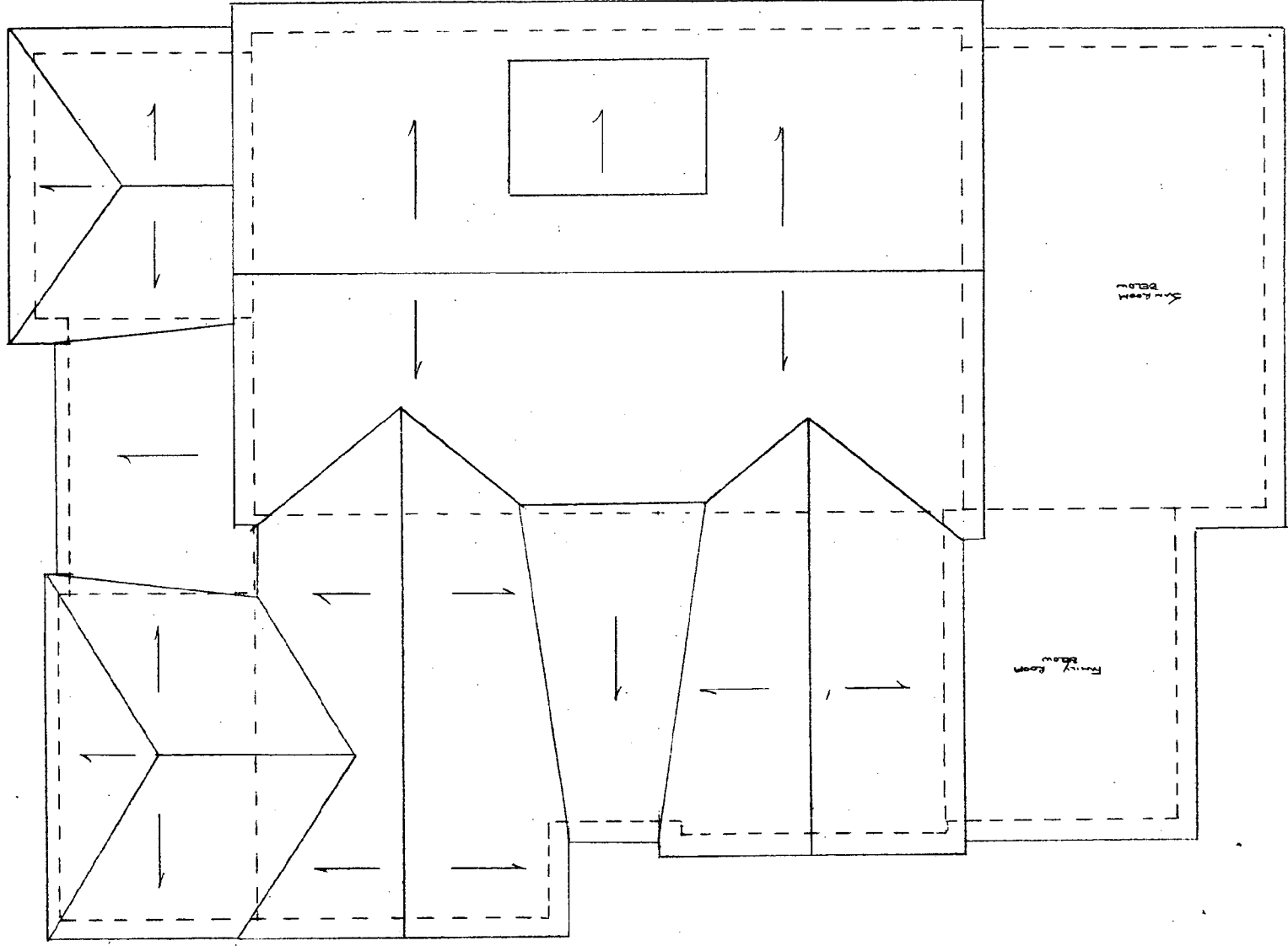
Scale 1/4" = 1'

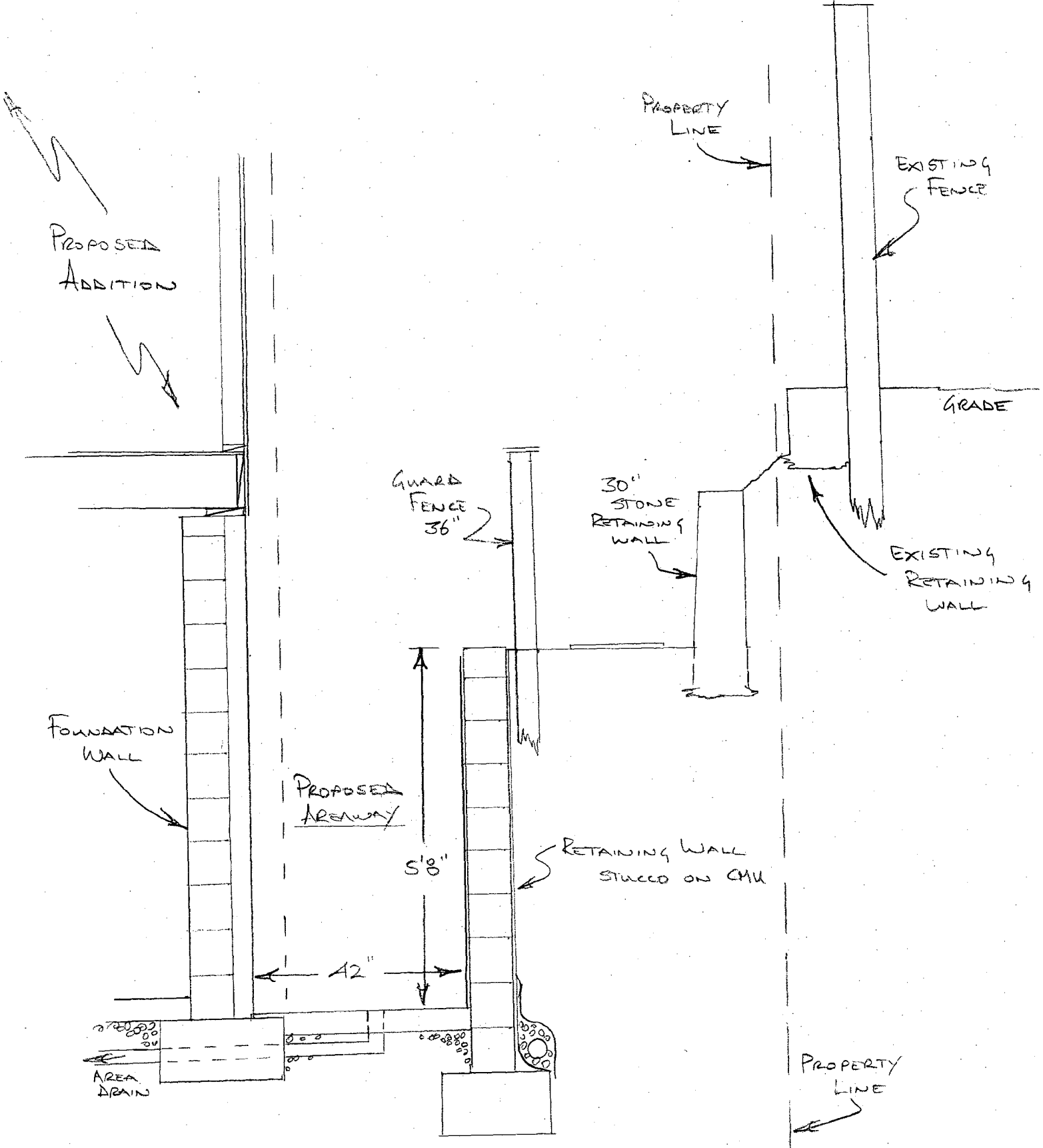
Proposed Second Floor



Scale 1/4" = 1'

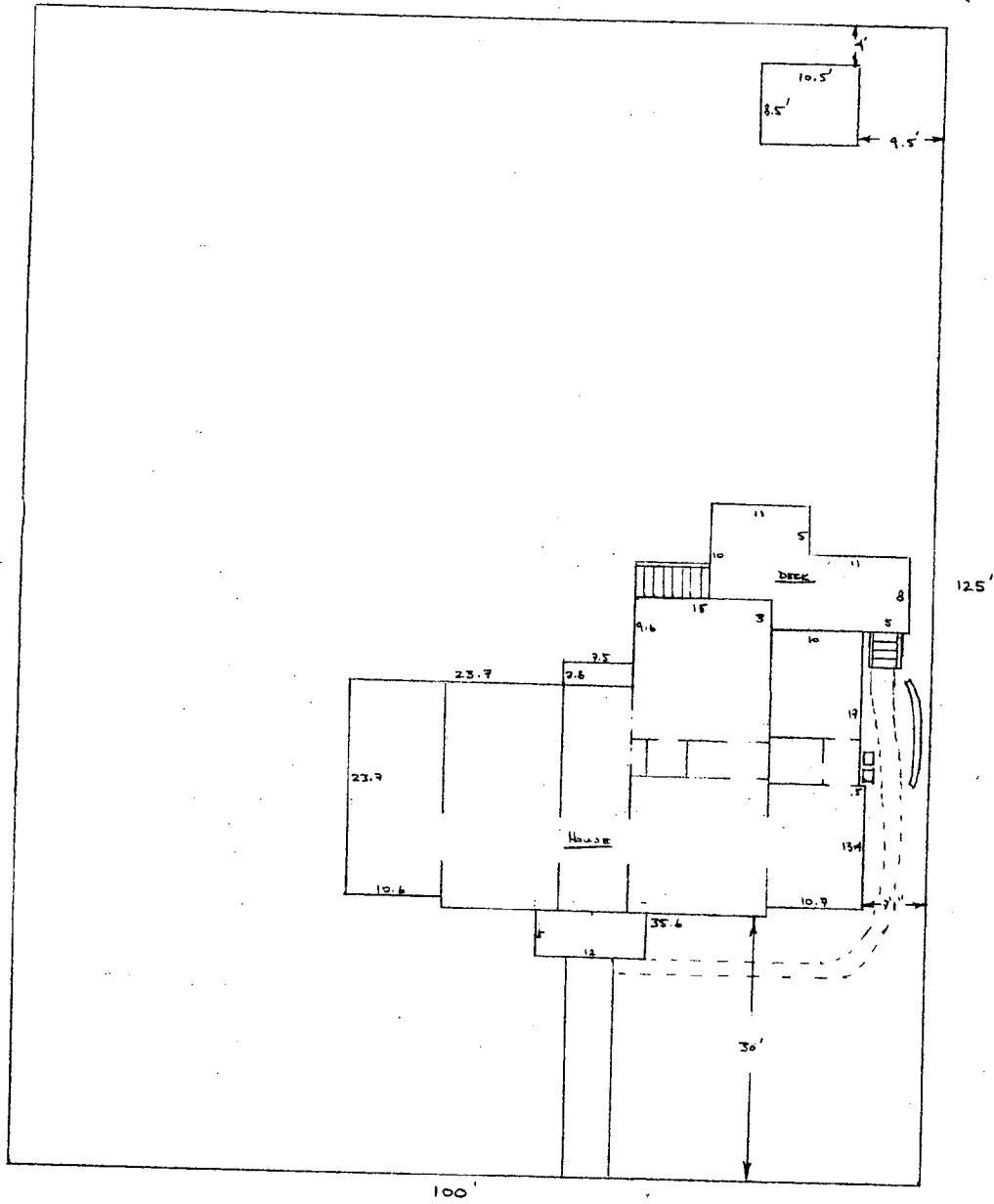
Roof Layout Plan
Main Roof





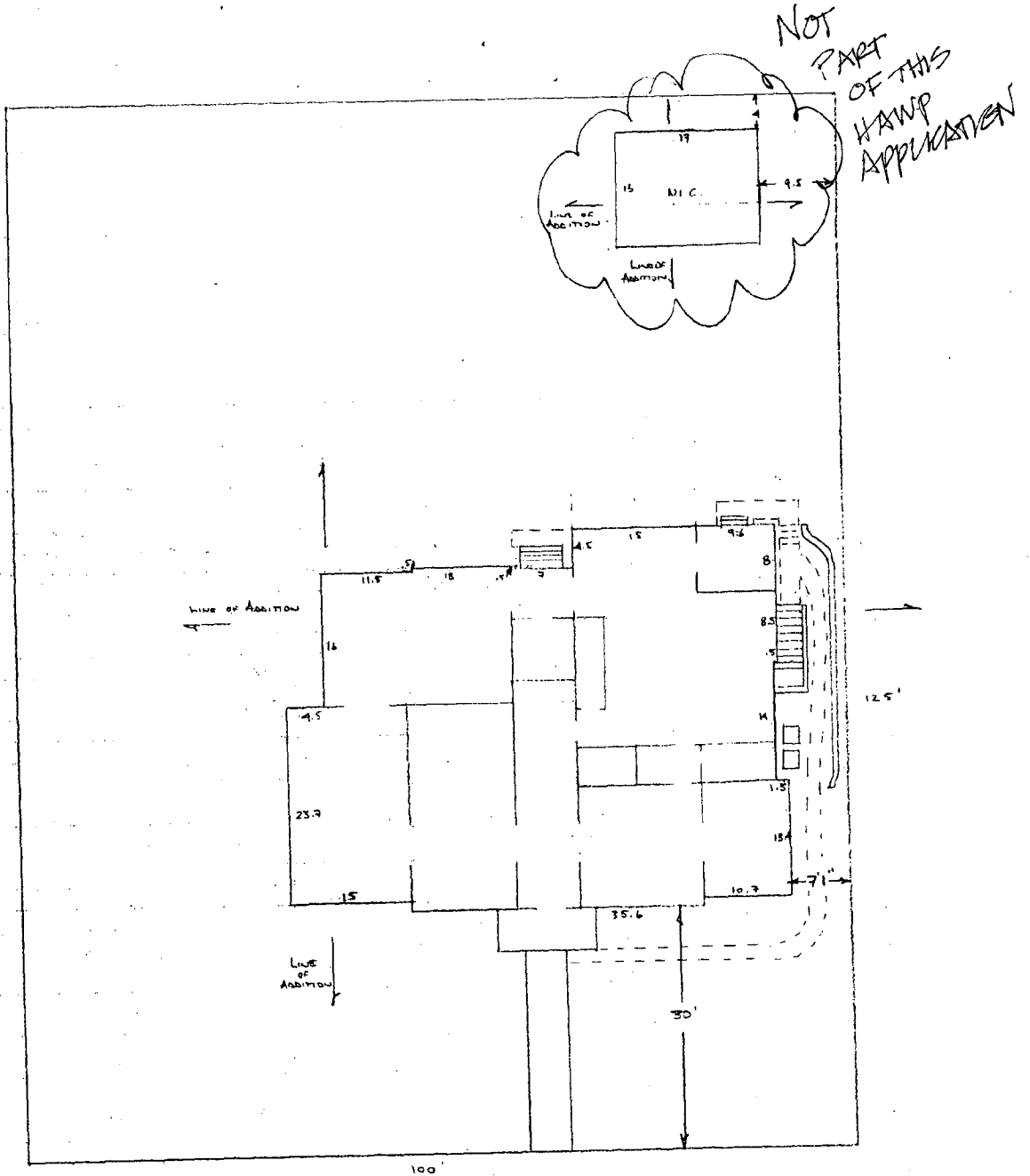
CROSS SECTION C SIDE YARD
 SHOWING RETAINING WALL

Scale 1/2" = 1' (29)



GIBSON RESIDENCE
EXISTING SITE PLAN

Scale 1" = 10'



GIBSON RESIDENCE
Proposed Site Plan

Scale 1" = 10'

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Existing Property Condition Photographs (duplicate as needed)



Detail: FRONT ELEVATION



Detail: EAST SIDE ADDITION

Applicant: _____

Existing Property Condition Photographs (duplicate as needed)



Detail: WEST SIDE ADDITION



Detail: WEST SIDE ADDITION

Applicant: _____

Page: _____

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Existing Property Condition Photographs (duplicate as needed)



Detail: REAR ELEVATION (NORTH)



Detail: REAR ELEVATION @ EAST ADDITION

Applicant: _____

Page: __

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Existing Property Condition Photographs (duplicate as needed)



Detail: _____

Detail: EAST SIDE ELEVATION (OBLIQUE)

Applicant: _____

Page: _____

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1 Motion passes. Continuance.

2 MS. SHYKER: Thank you.

3 MR. KADER: Thank you.

4 MR. FULLER: Thank you. Okay. The next case
5 tonight is Case D at 23 West Irving Street, Chevy Chase. Do
6 we have a staff report?

7 MS. OAKS: Are you ready for the staff report?

8 MR. FULLER: Please.

9 MS. OAKS: 23 West Irving Street in Chevy Chase is
10 a contributing resource within the Chevy Chase Village
11 Historic District. The applicant this evening is proposing
12 to put a couple of additions on their subject resource.
13 They're proposing to demolish an existing one-story non
14 contributing shed roof addition which protrudes on the rear
15 section of the east elevation of the house and to construct
16 a new two-story addition in the same location.

17 They're also proposing to demolish an existing
18 one-story non contributing shed roof addition which
19 protrudes from the west elevation of the house and construct
20 a new one-story flat roof addition along the west elevation.

21 They're also proposing to construct a new one-story shed
22 roof addition protruding from the rear section of this one-
23 story flat roof addition being built along the west
24 elevation of the house. They're also proposing to extend
25 existing two-story rear L 11 feet into the rear yard.

26 They're proposing to match the detail including stucco and

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1 the cornice detailing which includes large returns and the
2 reuse of the gable windows, of the gable window.

3 MS. WRIGHT: If we could take just a minute. We
4 accidentally I think have set off an alarm and we need to
5 get that alarm reset.

6 (Whereupon, a brief recess was taking.)

7 MS. OAKS: Sorry about that. I believe I was
8 talking about the two-story rear L. And they're also
9 proposing to construct a new 13 foot wide by 16 foot long
10 two-story rear elevation. This addition will match the
11 detail and materials on the existing L. Part of this
12 proposal is also to remove two of the trees for the new
13 construction.

14 Just to orient you to this site, the subject
15 resource is here, the contributing resource. You'll note
16 the spacing in the neighborhood on the street. Rear view,
17 the neighbors. And this is the subject resource. This is a
18 good view of the backyard where the proposed additions will
19 be. And this is where the one-story addition will be
20 placed. And then there's also another one-story extension
21 here and another really good view of that, and the L. And
22 that's an extension here. Extension here. Extension here.
23 Further view, kind of streetscape. Also a really good view
24 of that as well and how much open space and the sizes of
25 these houses and an aerial view.

26 Staff is recommending approval with the conditions

1 on circle 1. We, these are standard conditions regarding
2 materials, the windows, the wood, similar, the extra
3 detailing, the turned out wood, the proposed stucco. And
4 then of course dealing with the permit and then the
5 applicant has been to the Chevy Chase Village to get initial
6 review of the project and that information was in your staff
7 report. And this current proposal does meet their codes and
8 they have seen preliminary approval for the removal of those
9 trees. And for that reason we are requesting that for every
10 tree removed that there be one tree from our native species
11 list be planted.

12 And I did note that there is some concern about an
13 overhanging detail and they did some modification to that to
14 comply with a side yard setback. And that's on the side
15 elevation on that side here, the right side. And the
16 current proposal does meet that side yard setback. And I
17 did want to make a note in the staff recommendation on the
18 last condition that this proposal we believe is approvable
19 but, if they do decide to go for a variance to modify that
20 design, Chevy Chase as you know, they look at everything,
21 the eaves and everything in terms of their setback. If they
22 do decide to go for a variance to modify those eaves that
23 would, we certainly would support that and stamp drawings if
24 they make that modification, if they do receive that
25 variance.

26 And the applicants and their architect are here

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1 this evening and I'll be happy to answer any questions you
2 might have.

3 MR. FULLER: Are there questions?

4 MS. OAKS: Oh, I'm sorry. I do want to enter into
5 the record all the correspondence that you received as well
6 as the LAP that did provide comments and was part of the
7 record you received tonight and they were in favor of the
8 staff report.

9 MR. FULLER: Thank you. Are there questions for
10 staff? Would the applicant please come forward. Welcome.
11 If you'd state your names and give us your comments on the
12 staff report and make your own presentation.

13 MS. GIBSON: Good evening, I' Paula Gibson.

14 MR. GIBSON: And I'm Duane Gibson.

15 MR. LOCHNER: Paul Lochner, agent.

16 MR. GIBSON: Mr. Chairman and members of the
17 Commission, we hope that with the local report from the
18 Chevy Chase Historic Society and with the staff report that
19 this wouldn't be controversial. But, I think we've been
20 working at this for about a year. It's been an iterative
21 process for us. We've examined scores of permutations of
22 how to plan and lay out our house and how to respect the
23 outside of the original house and structure and materials
24 and that type of thing. Over that year we made multiple
25 changes in the design. We made multiple changes in the
26 layout and we think we've arrived at a product that both

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1 meets our needs as a young family and that meets the needs
2 of, the needs and standards of the community and the
3 historic nature of our town.

4 We worked with what we had. In other words, where
5 it was located and what the structure was. It is a 1914
6 stucco Colonial and it's located on the far east side of a
7 rather large lot. We can't pick up the house and move it
8 and so we planned around the situation that presented. The
9 house had multiple additions over a number of years. They
10 were rather, the additions were rather different, all of
11 them. It amounts to basically a hodgepodge and the
12 hodgepodge is not something that's too aesthetically
13 pleasing to look at when you walk by. Now, we bought the
14 house knowing this and we bought the house with an intention
15 a couple of years ago to make some alterations and to ensure
16 that it would be a house that we could live in for the next
17 20 years and it would be a house that would be nice to look
18 at on the outside. There were some key things that were,
19 that we looked at when we did the plan. And one of which
20 was to try to maintain as much space as we could outside.
21 We have a number of trees. We're fortunate to have a dozen
22 very large trees half as big a round as this table, some of
23 them. And we like that. And when we planned this we tried
24 to plan around the trees and a couple of the trees are going
25 to have to come down and we've received approval unanimously
26 from the Chevy Chase Village to take the trees down. The

1 two that would be needed to be taken down to accommodate
2 this addition.

3 We tried to at least leave things where they were,
4 basic things, you know, hallways and stairs. And we tried
5 to put the new space where it needed to be without making
6 this house a mansion, per se. There are larger houses
7 around us, all around us. And our house wouldn't be nearly
8 as large as those houses, nor would the lot coverage be as
9 much as most of the houses. Our lot coverage is modest at,
10 you know, 20 some percent if you include the shed, well
11 below what the standards are.

12 What I'm basically telling you here, we approached
13 the whole situation with the central question of how do we
14 protect and preserve our historic house and get rid of some
15 of the junk that was built on over the years. And we think
16 we kind of came up with a good product. We preserved the
17 front facade of the original dwelling. We saved the street
18 view along West Irving and mind you, that is the only public
19 right-of-way that borders our house. Between our house and
20 other streets there are very large lots, very large houses,
21 and very large secondary units, some of them are dwelling
22 units. You have two dwelling units basically on a lot. So
23 we took away the mish mash aluminum siding and we had four
24 inch on one side, three inch on one side, one vinyl, one's
25 not. That would be gone. We've replaced it with a stucco
26 finish and I might add on the east side of the house, the

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1 stucco finish, it's a large area and stucco is very
2 expensive. I mean I'm not a multi-millionaire, but I'm
3 going to pay a lot of money for this stucco in order to make
4 the house look nice.

5 We preserved the right front gable. We preserved
6 the end gables. We were sensitive to the proportioning of
7 the house on the outside trying to make sure that everything
8 was, everything was somewhat balanced. And we tried to make
9 as little overall alteration of the house as possible. We
10 think that we in the whole process we were respectful to the
11 house. We were respectful to the neighbors and we were
12 respectful to the advice that we got from our designer and
13 from the research that my wife, Paula, did and from the
14 staff here when we had some informal consultations to try to
15 figure out how to best do this, this project. So,
16 importantly, our design is appropriate to consistent with
17 and enhancement of the underlying historical structure. And
18 that was what guided us through the whole process. We
19 really would like to protect the architectural integrity of
20 the original structure and we'd like to add to it in ways
21 that are somewhat distinguishing from the original
22 structure, but also consistent with the spirit of the house
23 and to make it functional for our family.

24 I think there are a number of criteria in your
25 regulations that we would qualify for for you to approve our
26 design. Paul Lochner is here to answer any questions on

1 some of the technical things or, you know, why we had to
2 leave certain walls where they were and that type of thing.
3 But, we appreciate you considering this and I hope I haven't
4 taken too much of your time.

5 MR. FULLER: Are there questions for the applicant
6 at this time? I'd ask that you sit back down. We have a
7 number of other speakers. We'll let them talk and bring you
8 back up. We'd like to start with John Finnerman.

9 MR. FINNERMAN: Good evening and thank you very
10 much for taking the time to hear. Again my name is John
11 Finnerman. My wife Catherine and I live next door to the
12 Gibsons. And we've made a written submission and hope that
13 each of you will have a chance to take a look at it.

14 We don't enjoy being here, and in fact, we
15 wouldn't be here opposing the Gibsons plan to expand their
16 house if only they'd agree to move the new portion of the
17 east wing back far enough, and I think we're literally
18 talking about 12 inches so that it would allow two things.
19 You know, appropriate architectural detailing on that side
20 of the house including eaves and to stay consistent with the
21 setback requirements of the Village code. And we actually
22 thought that that's what they had agreed to do based on a
23 prior conversation that we had with them, but, apparently
24 not.

25 Where they chose to cure the problem of setback
26 was to chop the eaves off. And so we're concerned that

1 they're trying to solve one problem, but then they create
2 another for the Village. So we don't view this again, we're
3 not opposed to having them put an addition on, we just think
4 it ought to meet both standards of, you know, the historic
5 preservation and, you know, the Village setback
6 requirements. And, you know, so again, I think it's denying
7 them a right to add to their house, but really just striking
8 the right balance between adding their own personal space
9 which I have sympathy for but also and also, you know,
10 contributing to the character of Chevy Chase.

11 We've brought a few exhibits. I think this also
12 shows the location of the house which is the one that has
13 the hatch marks on it which shows the proposed addition.
14 And you can see that it's because of the angle of Magnolia
15 Parkway, despite the fact that their property doesn't abut
16 Magnolia Parkway, there are views for the rest of the
17 community multiple places along the parkway and actually
18 even from West Kirke Street to both the east side of the
19 house, in other words borders our property as well as the
20 north side of the house.

21 I should put the second exhibit up. This is
22 actually a rendering of what the east side will look like
23 from Magnolia Parkway through our courtyard and yard.
24 That's our house on the top to the left hand side.

25 MR. FULLER: You have 30 seconds left so if you
26 could sum up --

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1 MR. FINNERMAN: Okay.

2 MR. FULLER: -- your presentation.

3 MR. FINNERMAN: Okay. You know my, pardon me?

4 MR. STRONGHAM: Are we permitted to cede time?

5 UNIDENTIFIED VOICE: Yes, you can.

6 MR. STRONGHAM: Sorry. We have 15 minutes total,
7 five people here to speak.

8 MR. FULLER: That's fine.

9 MR. STRONGHAM: Thank you.

10 MR. FINNERMAN: So this here is the view through,
11 from Magnolia Parkway through to the and what the addition
12 will look like. And you can see that the, you know,
13 essentially because of the stripping of the architectural
14 details it's just kind of a flat wall that people will see
15 from the Village. No eaves, no shutters, no columns, no
16 trim, no need for depth at all to this side of the house.

17 If you'd put up the third exhibit, please. This
18 actually is a rendering of what each of the sides of the
19 proposed addition will look like. And again, you can see
20 where there is, you know, appropriate architectural
21 detailing on the other three sides of the house. Again, on
22 each side, you know, what we'll be seeing from Magnolia
23 Parkway is just a flat structure. And while I believe there
24 are eaves on that first 13 feet of the 44 foot side view.
25 There are no eaves or any other architectural detailing to
26 add depth at all on the remaining 30 plus feet.

1 As I said, there are views from Magnolia Parkway.
2 We've included some pictures within the materials that we
3 submitted and we prefer each of those. As we kind of looked
4 at this the last couple of days I think there's another
5 issue that's come up, too, which is that there are a number
6 of trees on their property in the back as Mr. Gibson said.
7 And you know, I think in addition to the two that are like,
8 that they've already gotten permission to come down, there
9 are probably at least four more. There's an arborist report
10 that we submitted with our packets that are going to be
11 endangered because of the addition. And I don't think that
12 that has been given the kind of consideration that, you
13 know, we would expect.

14 Finally, you know, I think that there hasn't
15 really been an exploration in either the staff report or the
16 local advisory committee report of the other alternative
17 here which is that, you know, they just step back that last
18 30 feet of the new addition, you know, enough to add some
19 eaves and some other architectural detailing. But this
20 isn't about someone trying to prevent the neighbor from
21 building. That's not why we're here. You know, we're just
22 trying to make sure that it strikes the right balance and
23 that it looks good for the rest of the community and doesn't
24 encroach upon the setbacks.

25 We would respectfully request that you deny the
26 application in its current form. Thank you very much.

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1 MR. FULLER: Thank you.

2 MS. WHITE: Thank you, I appreciate that. I would
3 just like to be brief. I'm Emily White and I have really
4 three points. And the first is addressing the issue of the
5 eaves. And I think that is the most important or the, on
6 the surface and that is why deep overhanging eaves that on
7 this house and on so many of the houses in Chevy Chase are
8 character defining feature. And if you look at the drawing
9 here, if you look at the photograph of the house that is
10 here, you can see that there are eaves on the house, on the
11 addition. The cutting of them, the clipping of them off
12 from the design is not appropriate. The house currently has
13 deep eaves on all four sides. It should continue to have
14 these. It is very appropriate to the house originally and
15 it should keep that. It will change the appearance of the
16 house and it will be visible. Will be visible in many
17 different ways.

18 The extension to the rear here will be back
19 considerably and the wall that we saw in the earlier drawing
20 is going to be there when the, especially when the trees do
21 not have their leaves and there are more trees cut, the two
22 trees that are cut.

23 But my concern also extends into the east
24 elevation. It's very flat. There is, if you look at the
25 drawings carefully there's a greater level of, these are not
26 just additions. They're going to be removing walls and the

1 house will be not just larger, but flat. The articulation
2 of the mass of the house as it is now may be inappropriate
3 of the additions that have been put on, but it is not
4 appropriate to correct that by making another wall, another
5 mistake here. I think that to add some depth as has been
6 suggested by Mr. Finnerman to keep a sense of rhythm and
7 articulation to the facade on the east side as it is on the
8 north and west as well as the west, to the west, north and
9 south is very appropriate. But I wouldn't think or doubt
10 that the problem with the north elevation comes right in
11 here. This is a flat surface as well, very, very minor
12 differential, very minor if you look at at the drawing. And
13 it's not that assimilar from what's happening back here.
14 There are some lines on your drawing that indicate that
15 there's a change. And in fact, this window is currently set
16 at the original back walls and come forward dramatically.
17 They're not actually going to preserving these Ls but
18 actually recreating the L there, maintaining the trim that
19 is on the one L. But they'll be pushing it out.

20 And I think it's important that you do look at
21 these photos because there's no roof plan in your set. That
22 at least I did not see one. And I think that the roofs that
23 are being proposed may, should be looked at very carefully,
24 particularly the hyphen that's been put in which will be
25 very flat and introduces a metal seam roof which is not
26 appropriate to this style and this period of a 1914 house in

1 this particular appearance. The stain seam which would be a
2 much earlier style. You might see that in a certain type of
3 house than what is here now. And there was a slate roof on
4 this originally that has been replaced primarily in asphalt.
5 And I think it would be better to have a consistency of
6 material across the way.

7 In conclusion, I think that it's real important
8 that you look at the drawings as they are. That they need
9 to be developed. That there are issues with them that need
10 to be addressed and that the depth of character that is a
11 character defining feature of Chevy Chase Village, not just
12 in the eaves, but in all aspects of this design should be
13 what this Board is interested in. And I think it is what
14 you have shown yourself interested in in the past. It is
15 the difference between the new McMansions of other areas and
16 what we have in Chevy Chase. So I would encourage you to
17 ask them to move this back the 12 inches or so that it would
18 take to ensure that the eaves would remain as part of the
19 design and not turn this side elevation in what might be
20 considered more of a rear elevation and less articulated
21 fashion as we might see in other areas. Okay.

22 MR. FULLER: Thank you.

23 MR. STRONGHAM: I think I'm the only one left.

24 MR. FULLER: Okay.

25 MR. STRONGHAM: Good evening. My name is Andrew
26 Strongham. I'm here, I'm with the law firm of Knopf and

1 Brown representing the Kinnermans. I'll be very brief.

2 In sum and substance what, the question that we
3 get from this project as presented, this house has been
4 designed from the inside out and that considerations of
5 interior space have been permitted to exhaust over
6 appropriate considerations of historical design. And this
7 is important to the environmental setting of the house. The
8 trees are subject to scrutiny in this district. The expert
9 opinion of not only an arborist but also the builder is that
10 as many as four trees are going to be, additional trees will
11 be removed because of work within the critical root zone.
12 In effect, what we think when you combine those trees with
13 the staff recommendation number 8, is that when all is said
14 and done, we'll be back here for, we'll be in front of the
15 Village for request for a variance because everyone agrees
16 it will look better with eaves. And we will be back for
17 additional tree permits for the additional trees that are
18 going to be damaged and probably killed by the planned
19 construction.

20 All of this I'm afraid is just emblematic of what
21 has just simply gone along for reasons we don't understand
22 with respect to the planning process. We have been excluded
23 despite requests from conversations with staff to raise
24 these concerns in a way that we think would have been much
25 more appropriately address so that we could have tried to
26 find some common ground with the applicants. The last thing

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1 that we want to do is to create friction between next door
2 neighbors. But that's happened because we've been denied a
3 voice here.

4 There is a process here for preliminary
5 consultation and that's not been followed. And it's not
6 been followed. What's happened instead we've heard from the
7 applicant and from staff is that there have been a year long
8 process with many iterations of siting and layout and
9 design, none of which included even the courtesy of
10 including my client in those conversations, on the contrary,
11 I think to the public spirit of the preliminary consultation
12 requirement. So we would ask that you give the most utmost
13 consideration now to what amounts to the first opportunity
14 the neighbors and anyone other than the applicant have had
15 to express their concerns.

16 And with that I submitted a letter that I would
17 hope and trust that you will have a chance to read at your
18 leisure. And with that I think we'll take whatever
19 questions you may have. Thank you.

20 MR. FULLER: Are there questions for these
21 speakers?

22 MR. BURSTYN: I believe that at the beginning of
23 the presentation you mentioned that your primary objection
24 was that the addition is 12 inches too far forward? If it
25 was pushed back what then the primary objection would go
26 away? Is that what you said?

1 MR. FINNERMAN: Well, let me give you a little
2 history along with my answer if I could, sir. We first
3 found out about this project when we got the first notice
4 for a hearing before this Commission. And at the time we
5 had to get the, you know, get the plans from, you know, I
6 can't remember if it was from the Commission or from the
7 Village. Shortly thereafter Mrs. Gibson came over and
8 asked, you know, what our concerns were, you know, and what
9 we explained to her at the time was that, you know, from
10 looking at the plans it looked as though the plans were, you
11 know, were over the setback line. Which is only 7 feet in
12 the District.

13 And then we also talked a little bit about the
14 Beech tree which is one of the four trees in the back that
15 will survive. So, we thought that when they came back with
16 revised plans they would, you know, move it back far enough
17 to have the same level of architectural detail that's on
18 their original plan. Instead, they came back with just
19 cutting off all architectural detailing. And so, you know,
20 that's the history as to why we're here. We would not have
21 been here, you know, had they done that. So, now the tree
22 issue, quite frankly, is just something that we discovered
23 in the last week since we got the revised plans and the
24 notice for this hearing. And, you know, I just think that
25 that's something that, you know, hopefully somebody will
26 take into account as well because there's, you know, there's



1 quite a bit importance in the Chevy Chase Guidelines that
2 are associated with preserving the, you know, mature trees
3 in the area.

4 MR. FULLER: Other questions? Thank you.

5 MR. FINNERMAN: Thank you.

6 MR. FULLER: Will the applicants please come back.
7 Do you have any questions or any comments relative to the
8 previous speakers' presentations?

9 MR. GIBSON: Yes. First of all on the trees, we
10 have the approval of the Village. We had the Village
11 arborist come out. He looked at all the trees on the
12 property. We had a prior tree service do the same type of
13 thing a year before. We have adequate reports on the trees.
14 The arborist actually told us he wanted the Beech tree
15 taken down because it was unhealthy and we want to save it.
16 And they also told us that building the addition that we
17 need would require taking down 2 of the 12 trees on our
18 property. And we have the approval unanimously from the
19 Village to do that. It was a vote in the Council meeting a
20 couple of weeks ago.

21 MS. GIBSON: To remove two trees.

22 MR. GIBSON: To remove two of the trees.

23 MS. GIBSON: One which is already in decline and
24 the other which would be too close to the property to
25 survive should construction go forward because it's leaning
26 at a 23 angle over the house --



1 MR. LOCHNER: And actually I can add, the thing
2 Chevy Chase Village decided that this tree, that this site
3 is truly forested to the point where they cannot even add
4 one new tree coming out. And it's only demanding one
5 replacement tree for the two coming out which would be we
6 feel reflected in your photo that they basically have a lot
7 of trees and the pleasant thing to have. And we will work
8 with the arborist with this tree preservation plan to ensure
9 that any additional trees are not impacted by the
10 construction and so that the neighbors in the village can
11 enjoy them as much as the homeowners do.

12 MR. GIBSON: And on the whole business of
13 consultation, I mean we're not experts in historic
14 preservation. And we sought the advice of the staff. And
15 we didn't see anything wrong with that. Other people, I
16 mean from my understanding people coming here everyday
17 asking for advice or asking for, you know, different
18 recommendations and that's what we did, no question about
19 it. And we thought that that was a good thing. That we
20 could get it right. And we think we did get it right. No
21 design is perfect. And unfortunately, when we went at this
22 the first time, the packets, we were under the impression
23 that the packets were supposed to be delivered to all the
24 surrounding neighbors. And --

25 MS. GIBSON: But instead it's filed at the Chevy
26 Chase Village Hall. So neighbor or anybody who's

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1 interested, they can go down and look at the application
2 which I understand the Finnermans did. But nonetheless when
3 I received word that there was concern about our plans
4 initially, I walked over, introduced myself because even
5 though we had been there two years we had yet to meet. And
6 asked them what their concerns were. And they told us about
7 the overhang and I thought that that's what we would work
8 on. And never in our expectations we thought that we would
9 have to up and move a house 12 inches.

10 MR. GIBSON: And frankly, I mean, when they raised
11 the overhang issue we kind of thought, oh well, let's fix
12 it. And so we fixed it by taking the overhang on the side
13 of the house and cutting it back. Now, if we could have the
14 overhang we would have the overhang. But the fact is we
15 can't have the overhang and comply with the Village code.
16 And what the Commission has in front of it now is a plan
17 that more than, we believe, more than substantially complies
18 with the standards in the community and with how this house
19 should look from the, really the viewpoint of the street.
20 And they raised some issues about Magnolia Parkway view and
21 I mean I just drove my car down the street, I just drove my
22 car down the street and took pictures.

23 This is their driveway. The first picture is
24 their driveway and you might be able to see back behind this
25 tree right here. If you really look --

26 MS. OAKS: Mr. Gibson, I have that in our plan if



1 you want me to put it up.

2 MR. GIBSON: Yeah, go ahead. That would be great.
3 Let me back up a little. I mean our house is kind of right
4 here. Our house is, this is our chimney. Our house is on
5 the other side here. You can see our house right here maybe
6 if you look. And that's the third one. That's their
7 driveway. That's their driveway. So, I mean frankly I mean
8 these views are of a second building on their lot, the other
9 neighbor's drive, a lot of trees and I mean I just randomly
10 drove down the street and took pictures.

11 So, in terms of the view from Magnolia, there
12 really isn't a view from Magnolia to the back of our, I mean
13 you gotta, it's a 180 feet. It's more than half a football
14 field away from the street to the back of our house. And
15 between our house and their house is something like, you
16 know, 45 or 50 feet. This isn't a side yard, traditional
17 side yard. So, I mean to say that there's no, to say that
18 there's some sort of aspect from Magnolia that would
19 interrupt with, you know, how people view our house, I mean
20 they're not looking at the front of our house from Magnolia.

21 MR. FULLER: I think this is getting a little
22 beyond the answer to the question.

23 MR. GIBSON: All right, sorry.

24 MR. FULLER: Are there any other questions of the
25 applicant?

26 MS. GIBSON: We also have photographs of different

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1 houses with overhangs that are in Chevy Chase Village that
2 have complied and wanted you to look at those so that you
3 can see that ours are not too far from the norm of what's
4 being done in the Village.

5 MR. GIBSON: In particular you can look at the next
6 door neighbor's which is the second, which is the second
7 picture. The next door neighbor's house has an overhang on
8 the bottom and no overhang on the top, none. If you look at
9 the next slide, they have no overhang at all on the side.
10 If you go down a couple of other slides there's a really
11 good one here, you know, 8* or 10 slides in. See no overhang
12 on the bottom, no overhang at all on the bottom.

13 MS. GIBSON: That's across the street from us.

14 MR. GIBSON: That's across the street.

15 MS. GIBSON: Right next to us.

16 MR. GIBSON: Next door, no overhang on the top. No
17 overhang on the side next door. I mean the charac-- no
18 overhang at all and gutters on that and that's right across
19 the street. No overhangs in the front on the top. There's
20 all sorts of various styles here. No overhang at all on the
21 front. There's a metal roof. There was a question about
22 metal roofs. There's a nice metal roof with no overhang as
23 well. No overhang on the front of that house, just a
24 gutter. This is the best one. Because it has an overhang
25 and then the overhang juts back and on the back half of
26 that, on the back you know, third of that, there's no

1 overhang at all. It's flat. This one was just one that was
2 approved and built that had no overhang at all. I mean all
3 these we can put in, you can keep the pictures. It doesn't
4 matter to me.

5 This one on the side, see the gutter up there, no
6 overhang at all there. And there's overhangs on other parts
7 of the house. You can see that from the street even. All
8 right. You get the --

9 MR. FULLER: Point's taken. Thank you. Again, are
10 there other questions for the applicant? Is there
11 discussion from the Commission?

12 MR. DUFFY: I have a number of things I would like
13 to discuss. There seems to be some confusion about the
14 process. And I'd really like to move beyond especially the
15 process to the merits of this particular application. But
16 just in brief, ordinarily on a project like this we would
17 like to see a preliminary consultation. However, it's not
18 mandatory. And when the applicant chooses not to have a
19 preliminary consultation, the hearing of the historic area
20 work permit is the first opportunity for the public to
21 comment. That's the normal process. And I'd also like to
22 say it's almost part of the normal process for staff to
23 assist an applicant in the preparation of an application.
24 Having said that, I would have preferred that we had had a
25 preliminary consultation, that we talk about the things that
26 we just talked about then now. So it's not really a big



1 deal. So with that preface, I'd like to talk about my
2 thoughts about this application.

3 First of all, it's a fairly large addition, but in
4 the context of the neighborhood, it's working from a fairly
5 small house to something in the ballpark of what it's
6 neighboring. So I don't see a problem inherently with the
7 amount of space being added to the house. I think in
8 general it's a pretty good proposal ironically, perhaps.
9 What raises the most concern for me is the east elevation.
10 Regardless of anything that anyone else has brought up about
11 it, when I looked at it I like what you're doing with the
12 house. I think it's sensitive. I think it's making some
13 improvements where the past people may have added to the
14 house insensitively. So, I think there are a lot of
15 positives there.

16 The, and I would hope that the issues that I have,
17 I think they're pretty minor. And I think that they could
18 be fairly easily refined without significantly, you know,
19 negatively impacting what you're trying to do. I'm pretty
20 confident about that. If you look at the staff report the
21 drawings, circle 23 is the east foundation. And the second
22 floor plan is on circle 23. On the east elevation to the
23 right side there's a vertical line. It appears that that
24 surface is broken up into three distinct masses, but in a
25 floor plan that would not appear. I think that that
26 presents a fairly large flat plainer elevation that would be

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1 better if the massing were broken up slightly. If that line
2 did exist there. And it would perhaps about a 12 inch
3 offset shadow line, I think that would be preferable.

4 I think that, you know, the discussion of the
5 eaves, we looked at a number of images that are different
6 situations in my mind. It would be, I think this elevation
7 would be improved if it had, let me ask you. Has anyone
8 approached the Village to discuss a variance?

9 MR. GIBSON: The Village has its own process for
10 variance. And basically my understanding of it is you have
11 to be really denied before you can go for a variance. And
12 then there are certain standards related to the variance
13 that the applicant has to meet hardship, other things like
14 that. So what that process would hold for this situation
15 I'm unsure. But, I think there have been exploratory
16 discussions.

17 MR. DUFFY: Okay. Another aspect of the east
18 elevation perhaps you can clarify for me. The, I don't see
19 anything wrong with the metal roof where you show it.
20 However, the metal roof is hitting the gable and then it's
21 drawn as at the top as a straight line where it hits the
22 receiving roof to the right. In reality it wouldn't be a
23 straight line. Would it?

24 MR. LOCHNER: It may jot back there, that is
25 correct.

26 MR. DUFFY: And I think there is an inconsistency

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1 with the stair --

2 MR. FULLER: This elevation plan, it doesn't show
3 up in the elevation. It's going to be a handrail or
4 something like that.

5 MR. DUFFY: If I look at the floor plan, circle 31
6 and 33 it seems to me that the types of things that would
7 improve the east elevation would basically require pushing
8 some of that east wing in about 12 inches. Looking at the
9 floor plans it seems to me that there's enough space that
10 that could --

11 MR. LOCHNER: Yeah, I, can I interject myself here?

12 MR. DUFFY: Sure.

13 MR. LOCHNER: I respectfully disagree, sir. The
14 main concern with the Gibsons in producing this design is to
15 retain as much of the original house, interior and exterior
16 for their pleasure. That the object for additions would not
17 include any reconstruction of the existing space as much as
18 humanly possible. The major impetus for the Gibsons was to
19 do a kitchen addition and to gain extra bathrooms and to
20 make a master suite where none was before. The kitchen is
21 on the right hand side on the east elevation. The bathrooms
22 are on the right hand side on the east elevation. That's
23 where all the plumbing is. There is no space to carve out
24 another bathroom somewhere else in the plan. If you take
25 off 12 inches of that east elevation you get away from the
26 bathroom and the master suite and turn it into a walk-in

1 closet. That is not what is required in this house. So the
2 floor plan, the existing floor plan, existing mechanical
3 systems, existing status of the house helps determine what
4 those rooms are. You take 12 inches out of that bathroom,
5 it's an useable bathroom.

6 MR. DUFFY: Well, with all due respect, I'm an
7 architect also, and the kitchen is huge. The master suite
8 is huge. I could very easily take 12 inches out of this and
9 still meet the program and make it workable.

10 MR. LOCHNER: The kitchen sits on the existing
11 foundation wall, sir.

12 MR. DUFFY: What we're talking about is not the
13 existing foundation but how to make an elevation that would
14 be acceptable to the Historic Preservation Commission. I
15 think that this could improve and I don't think it would be
16 onerous or even difficult. And I think the east elevation
17 as its drawn right now is too blocky, too planar. There was
18 a little bit of a refinement which I would prefer to discuss
19 at a preliminary consultation. I think we would have
20 something that would be more acceptable. That's one
21 person's view.

22 MR. FULLER: I will note that the neighbors do want
23 to have an opportunity to rebut some of the comments that
24 were made earlier. I don't know if we want to finish our
25 discussions first or do you want to hear from the adjoining
26 neighbors and see, response to the questions so we'll be on

1 just purely response to questions. If you could give us a
2 few minutes for rebuttal from the neighbors.

3 MR. STRONGHAM: We have one observation and two,
4 three points. One that Mr. Duffy very accurately captured
5 our principal concerns. For that we appreciate and in fact
6 the clarity of the remarks. Beyond that the two issues we
7 have are with one, I understand that the Village of Chevy
8 Chase has authorized removal of the two trees. But, we're
9 talking about some foundation excavation work within 7 to 10
10 feet of 24 inch and 30 inch trees. And I just don't think
11 realistically there's any way that those other trees are
12 going to survive that. So that the result of that is when
13 you go to Magnolia Parkway and you see the views that are
14 currently there, you won't see anymore. You'll see a
15 monolithic wall that's been proposed and no more trees to
16 screen it. That is the sum and substance is the problem.
17 We agree wholeheartedly that there is a lovely view right
18 now. And we're very much concern that when you add a
19 plainer wall with no trees it's going to be a different
20 situation entirely.

21 And I should say this because there's some
22 questions about the variance. We tried very hard to follow
23 the what we understand to be the usual procedure here which
24 is to have the applicant get a variance first, if possible,
25 which we frankly would oppose. But in any event to get a
26 variance if they could, rather than do this backwards which

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1 is to try to get a decision here and leverage from that
2 variance. But the Village wouldn't, the Village said
3 there's no request for a variance and here we are. We would
4 have rather waited and heard about a variance because we
5 think it would very well have mooted this whole process as
6 it currently exists. Thank you.

7 MR. FULLER: Other questions? Thank you. Gwen,
8 procedurally do we need to allow the applicant the
9 opportunity to rebut the rebuttal or can we just move into
10 deliberations?

11 MS. WRIGHT: I think you can just move into
12 deliberations unless there's a specific request for
13 rebuttal. Usually you only go through one round of
14 rebuttal.

15 MR. GIBSON: One quick point?

16 MR. FULLER: Sure.

17 MR. GIBSON: I mean the point is on the variance.
18 And in order to even apply for a variance you have to have
19 the historic approval to go to get a building permit. Then
20 you've got to be denied, then you go to a variance. And it
21 just takes kind of looking through the statute to figure
22 that out.

23 MR. FULLER: Thank you. Any other comments or
24 considerations, or are you ready for a motion?

25 MS. ALDERSON: Just one, I completely agree with
26 Commissioner Duffy. I think even if there's a real problem,

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1 even a six-inch notch in those walls is going to help,
2 normally and we look at different additions with rather
3 shallow eves, normally it is not visible at all from a
4 public right-of-way we provide readings there. And so some
5 of the facades are flatter where we determine it's not going
6 to be visible at all. If there's some visibility, just a
7 little bit additional scrutiny, in fact, there's some
8 visibility potentially greater visibility not just trees
9 died out of construction because trees sometimes just get
10 old and die. I would certainly support, I would make a
11 minor modification even if you want it 6 inch notch in the
12 wall which I think would increase the shadow line in depth
13 and allow for at least six inches at the -- to make a
14 tremendous difference in making the whole house as other
15 houses, I think the application is very strong, rectifying
16 some former insensitive alterations that bring the whole
17 composition together.

18 MS. OAKS: For the architects on staff -- it's been
19 a while since I've done framing plans. There is materials
20 that you can use now for installation that's a lot thinner.
21 And I know that there are certain things that you can do
22 well, like boards that you can do to thin things up a little
23 bit. Am I correct, and still meet the code? I'm just
24 trying to think of ways to try to trim that particular wall
25 down and still get your code compliance and still get your
26 reveal.

(65)

1 MR. FULLER: I think, I believe there are things
2 that can be done. I believe Commissioner Duffy said it
3 correctly that there's probably ways to do the floor on the
4 skin, but really our emphasis is what happens on the
5 outside. Gwen correct me if I'm wrong, but we have an
6 opportunity if we wanted to retain a vote for approval,
7 denial or continuance since this has been within the 45, two
8 week continuance would be so within the 45 day review
9 period.

10 MS. WRIGHT: I mean certainly yes, you can vote for
11 approval, approval of conditions or denial. You could ask
12 the applicant if they'd like to have you continue the case
13 which you can do without their agreement 'cause it's still
14 within the 45 days and come back at the very next meeting to
15 perhaps demonstrate how some of the Commissioners' concerns
16 could be incorporated into a new drawing. That's another
17 choice.

18 MR. FULLER: Sure.

19 MR. BURSTYN: What I am having difficulty here and
20 also I certainly appreciate Commissioner Duffy's remarks. I
21 certainly learned from them. Is that first of all looking
22 at the application to try to determine if we have not really
23 gone through the staff recommendations one at a time to
24 determine what we, to accept, what we don't accept and do we
25 have any changes, number one. And also we also need to keep
26 in mind that it is a, this property is a contributing

Wb

1 resource and so we are guided by the Chevy Chase Historic
2 Area guidelines which are laid out where in certain parts
3 are given strict scrutiny or moderate scrutiny, lenient
4 scrutiny so we apply different standards to different
5 aspects of the application. And so I think we have to try
6 to wed that and put that in mind.

7 And also I don't know if we should, if there's any
8 consensus here that we go through the staff recommendations
9 to see what we like or don't like or whether we even want to
10 add to them some other Commissioners or Commissioner Duffy's
11 recommendation to see if that reaches the proposal. Or are
12 we just too far short of this and we need to get them to --

13 MR. FULLER: So let's go down the line and each
14 Commissioner if you'd just give a brief overview as to
15 whether you think this is approvable and whether or not
16 there are any of the conditions that staff has written that
17 you think are either on target or off target.

18 MR. BURSTYN: Well, again, I mean I guess I would
19 defer to the architect on the motion with respect to the
20 various staff recommendations. Which now includes what Mr.
21 Duffy said that I think it's really premature to vote on
22 this up or down as it is. So, what I would do is kind of
23 defer or need further discussion.

24 MR. FULLER: So you don't see it as approvable from
25 this standpoint?

26 MR. BURSTYN: No.



1 MR. FLEMING: I second.

2 MR. FULLER: Thank you, it's not a motion.

3 MS. ANAHTAR: It looks like both the neighbors and
4 Commissioners have only concerns on the east elevation. And
5 the concerns about detailing, roof detailing, the part that
6 I don't understand is this. What, as far as I can see
7 they're not proposing any changes to existing roof on left
8 hand side. And they're just mirroring it on the other side.
9 So, they are replacing the roof? Are you replacing this
10 roof or not?

11 MR. GIBSON: No.

12 MS. ANAHTAR: Changing anything?

13 MR. GIBSON: The one on the left hand side stays.

14 MS. ANAHTAR: Stays, yes.

15 MR. GIBSON: As it is and we mirrored one --

16 MS. ANAHTAR: Exactly. So we cannot expect them to
17 bring different detailing on the right hand side. So I
18 don't have a major problem with that. But, I agree that the
19 little portion should go back for 12 inches at least. And
20 when I look at the foundation plan I don't think the kitchen
21 is, I mean kitchen is sitting on the existing foundation,
22 but it's only a crawl space. You're actually adding in the
23 basement and foundation wall goes beyond that. So I don't
24 think the major expense for you to just accommodate this
25 request and bring this little portion back a little bit to
26 create this scale effect.

(08)

1 My second concern is about this window here at
2 this, I find it very awkward at this location. So I think
3 if you could incorporate those into your design, this
4 window. I would like to see a line and job on the wall, I
5 think it should be 12 inches. Those are my concerns. If
6 you are agreeing to those changes then I think that would be
7 approvable.

8 MR. FULLER: Commissioner Alderson.

9 MS. ALDERSON: I think in view of the fact that a
10 preliminary was not sought on this in the long range an
11 addition of this scale where it seems a minor delay to
12 pursue the continuance which could be to everyone's benefit.
13 There's an opportunity to look at minor modifications to
14 the current view that would perhaps appease concerns, really
15 create the design and certainly make it more integral 360
16 degrees. We have even in Takoma Park which has similar
17 guidelines, similar requirements, ordinances, we have
18 sometimes on occasion, spent quite a bit of time refining a
19 rear facade where there is some disability to make a fully
20 integral project. And my belief is that it's worth
21 exploring that opportunity, you know, continue this.

22 MR. ROTENSTEIN: I'd like to join my other
23 Commissioners in recommending a continuance also. Again, a
24 project of this scale and scope and I feel it would have
25 gone through a preliminary consultation. And I think the
26 applicant and the other stakeholders in this proceeding have

(69)

1 benefitted and will benefit from the advice gotten from
2 staff but also from the architects on the Commission. And
3 it would be my recommendation at this point to defer a vote
4 until the applicant has an opportunity to review the
5 recommendations made and address some of the concerns that
6 we've articulated.

7 MR. DUFFY: I just had one final comment which is
8 I'd like to reiterate that on balance I think it is a good
9 application. In my view I think the issues that we're
10 bringing up that we're requesting be revisited and refined.
11 Overall I think they're relatively minor. And they're
12 substantial enough for all of us to be saying we'd like a
13 continuance. But I think in my view if those items were
14 addressed I would find the application otherwise approvable.

15 MR. FULLER: I'd echo my fellow Commissioners
16 comments with the additional specific comments that I think
17 this plan really warrants a site plan or at least site
18 improvement shown on the first floor. They have to assume
19 there's some kind of walks and other things coming out of
20 the house that aren't shown and that you're not getting
21 approval for. I would echo the comments about a roof plan
22 would be very useful to be able to understand what's going
23 on and then a correction of the east elevation to pick up
24 what's really there.

25 So, I think that you're hearing that if we vote on
26 this as a up or down vote today you will probably get a

1 denial. So, I think we would like to go towards continuance
2 and have you come back in two weeks. But, if you want to
3 tell us to go for a vote, we can go the other direction.

4 Could I have a motion for a continuance?

5 MR. DUFFY: I move that we continue.

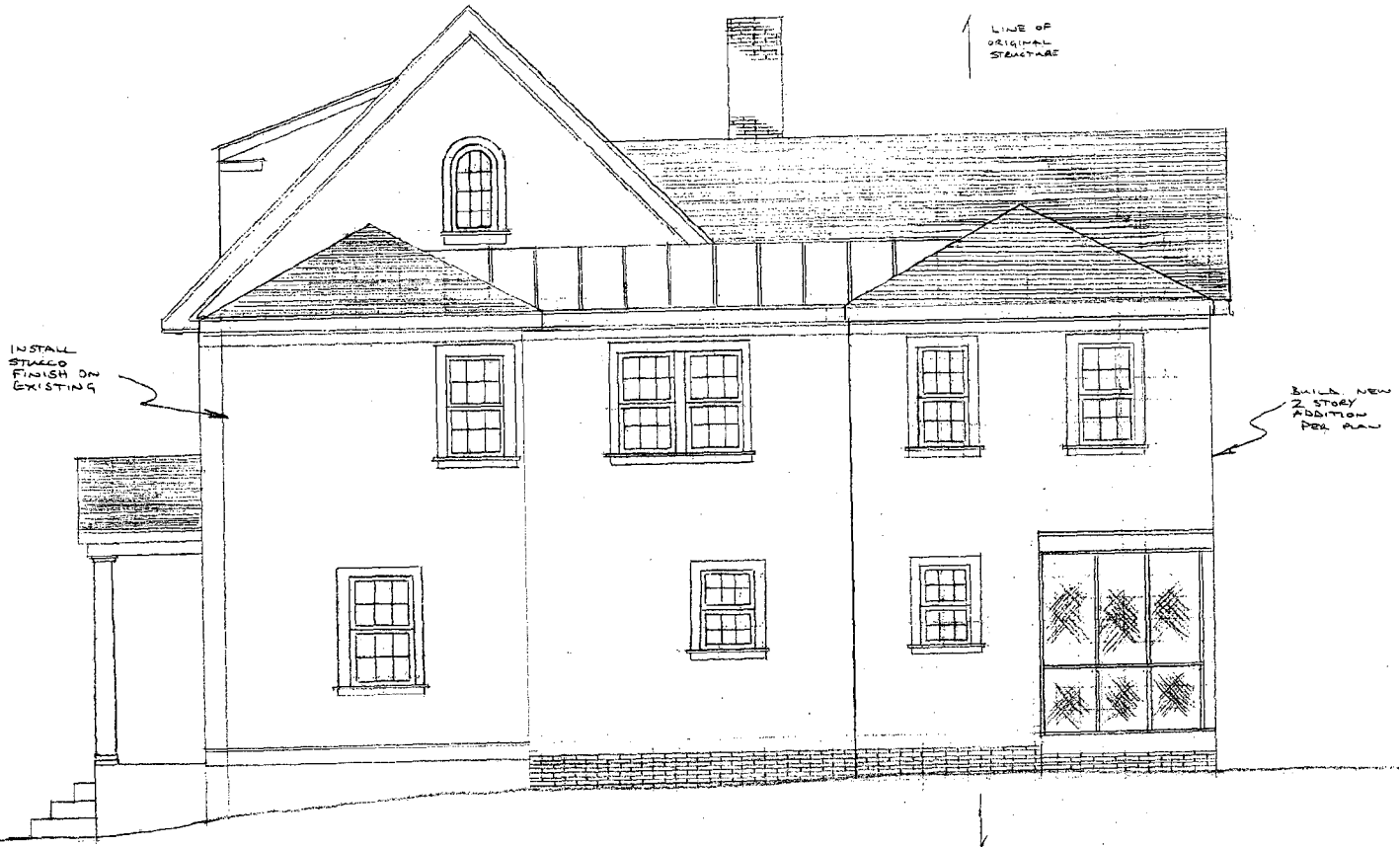
6 MS. ALDERSON: I'll second it.

7 MR. FULLER: All in favor? Any discussion I should
8 ask first? All in favor? Continuance is passed
9 unanimously. Thank you.

10 Next case this evening is Case K at 9723 Capitol
11 View Avenue. Do we have a staff report?

12 MS. FOTHERGILL: We do. As you'll recall, we had a
13 staff report the last meeting, September 13th meeting,
14 sorry, not the last meeting. And the case was continued
15 because the applicant was not present. So there was a staff
16 report and some comments from the Commissioners. And those
17 are in your packet, circles 25 through 30.

18 This is a retroactive case for 9723 Capitol View
19 Avenue which is a contributing resource in the Capitol View
20 Park Historic District. And the applicant has made some
21 alterations to the property and the house without the
22 approval from the HPC and historic area work permit. And
23 violations have been issued and so now we are looking at a
24 retroactive approval request for background. This is the
25 house at 9723 Capitol View. And in December of last year,
26 the applicant down 13 trees and neighbors did call it in and

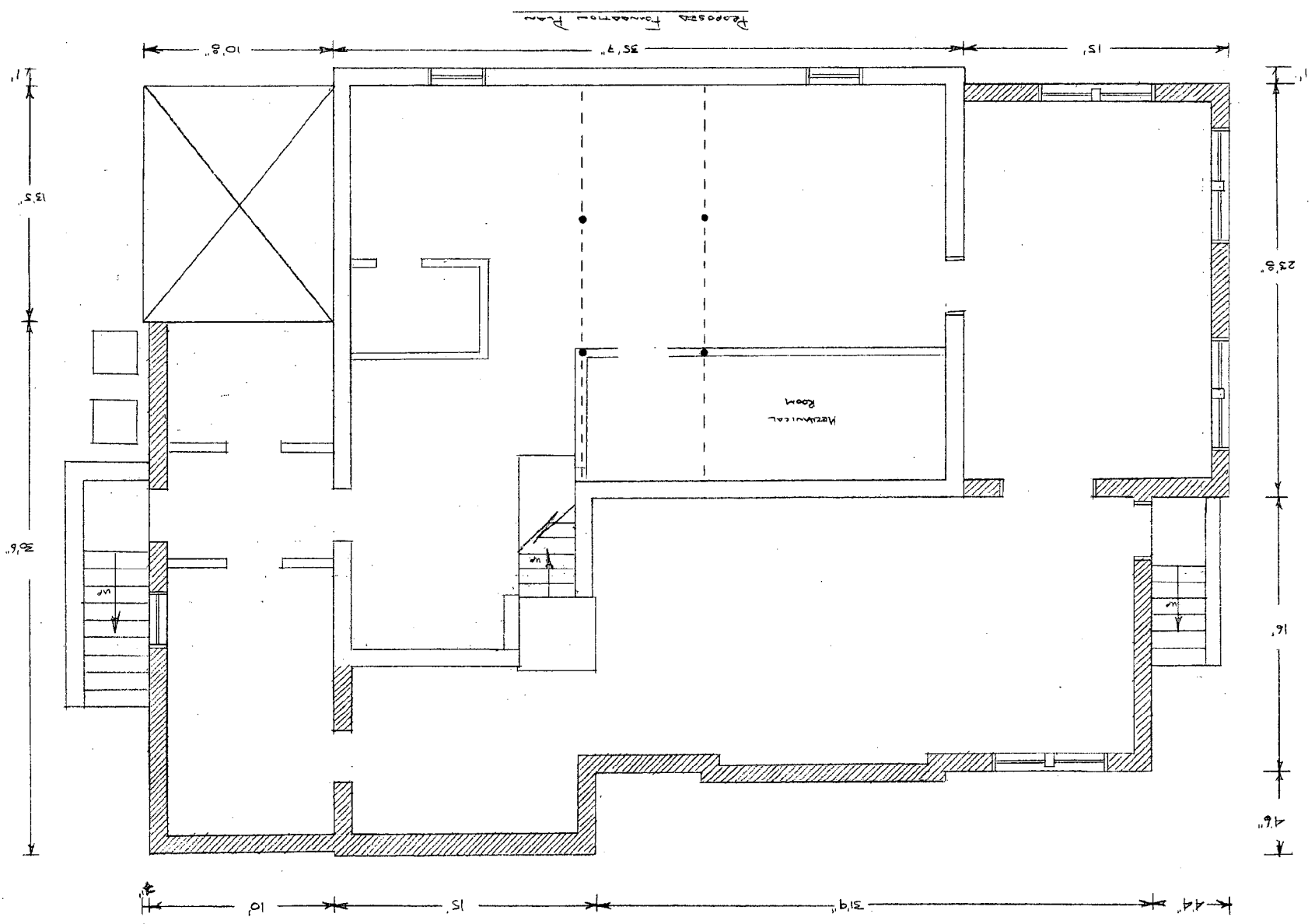


PROPOSED EAST ELEVATION

41

DRAWINGS FROM 10/25 MTS

Scale 1/4" = 1'-0"



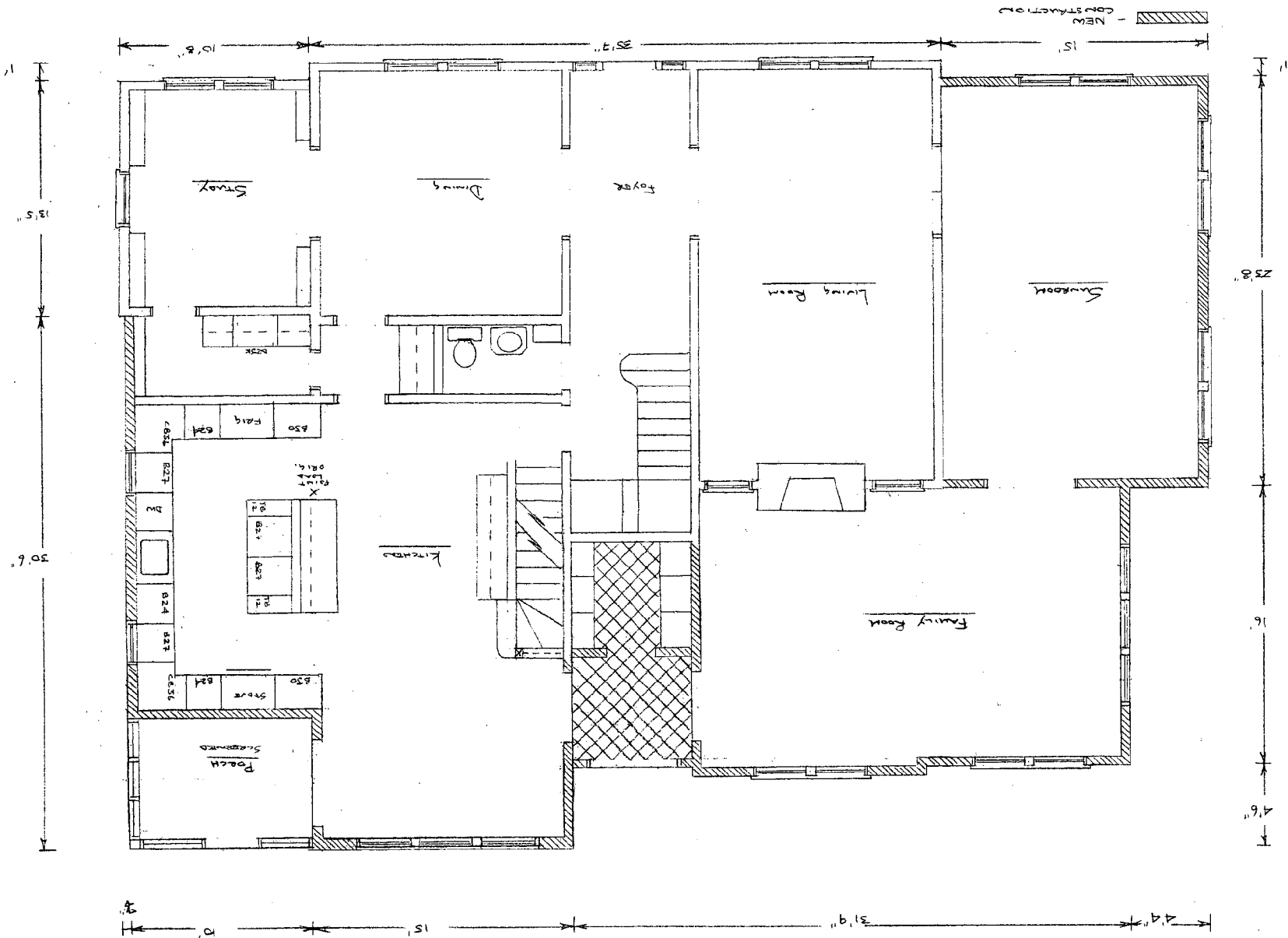


DRAWINGS FROM 10/25 MTG

PROPOSED FIRST FLOOR

Page 8 of 17

Scale 1/4" = 1'

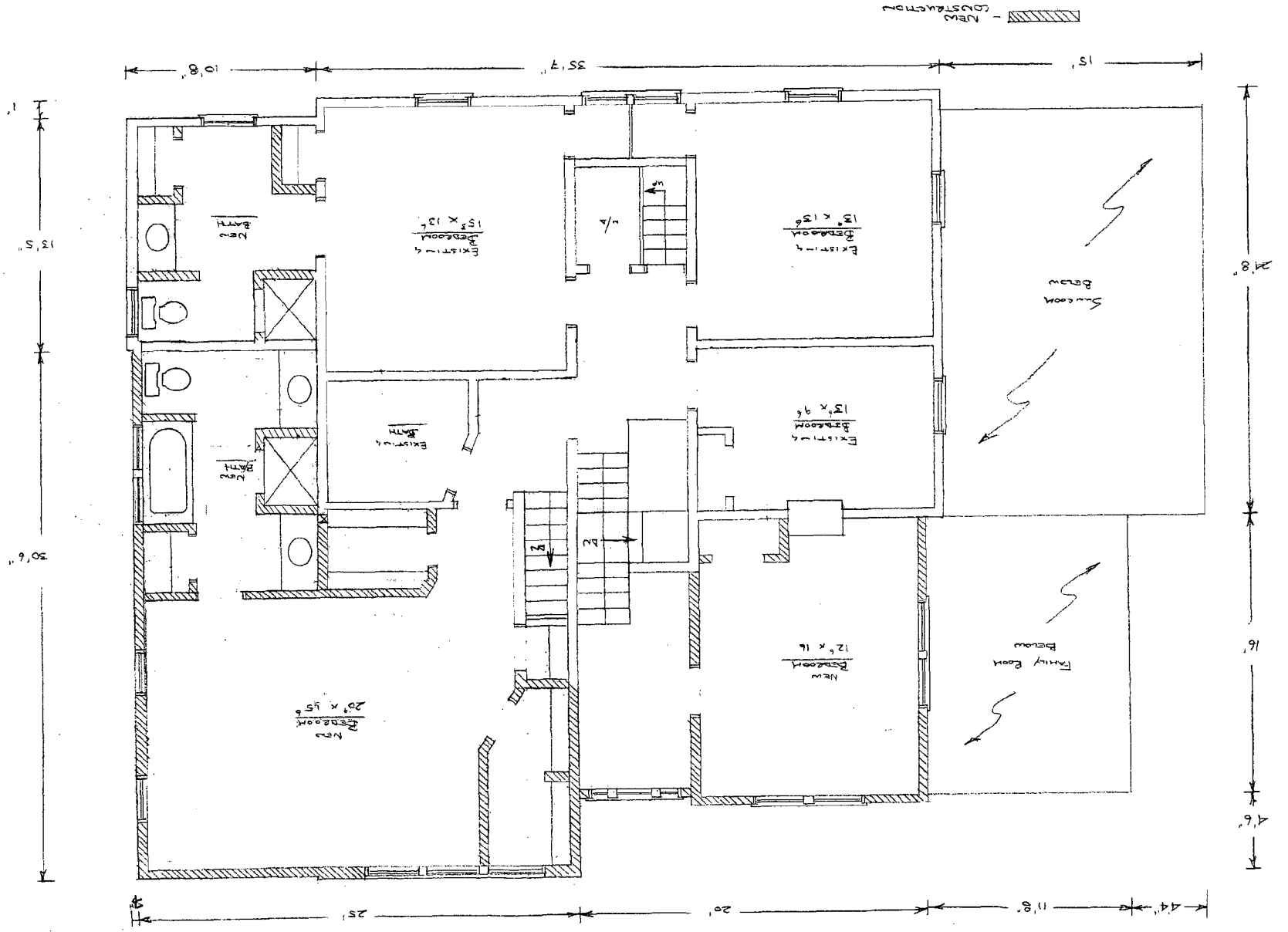


11.25
 50.3
 18.7
 12.7
 10.7
 25.2

DRAWINGS FROM 10/25 MTG

Scale 1/4" = 1'

Proposed Second Floor





DEPARTMENT OF PERMITTING SERVICES


Isiah Leggett
County Executive

Carla Reid Joyner
Director

MEMORANDUM

July 16, 2007

TO: Michele Oaks, Planner Coordinator
Historic Preservation Section
Maryland-National Capital Park & Planning Commission

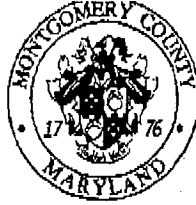
FROM: Reginald Jetter, Division Chief, Casework Management 
Department of Permitting Services

SUBJECT: May 24, 2007 Memo
Re: 23 West Irving Street, Chevy chase Village Historic District

The purpose of this memo is to correct a typographical error in your reference to Historic Area Work Permit Application #452373 in your May 24, 2007 memo from Michele Oaks, Planner Coordinator, Historic Preservation Commission to Duane & Paula Gibson. Your "SUBJECT" should reference Historic Area Work Permit Application #452343. Please file this memo with the May 24, 2007 memo as a correction.

If you have questions, or need additional information, please call me on 240 777-6275.

Cc: Todd Brown



HISTORIC PRESERVATION COMMISSION


Isiah Leggett
County Executive

Jef Fuller
Chairperson

May 24, 2007

MEMORANDUM

TO: Duane & Paula Gibson
23 West Irving Street, Chevy Chase Village Historic District

FROM: Michele Oaks, Planner Coordinator 
Historic Preservation Section
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit Application #452373

Your Historic Area Work Permit (HAWP) application for additions to single family home was **Approve with Conditions** by the Historic Preservation Commission at its May 23, 2007 meeting.

The conditions of approval were:

1. *The approved new, windows and French doors will be fabricated of painted wood. If the windows are to have a muntin profile, the windows will be simulated or true divided-light, which are a window which contain painted, wood muntins that are permanently bonded to the interior and exterior of the insulating glass simulating a divided light appearance. The specifications for the windows will be included in the permit sets of drawings submitted to staff at the time of stamping.*
2. *All the exterior detailing will be trimmed out in wood. This includes, cornices, window and door trim, balustrades etc. Paintable fiberglass columns may be used.*
3. *Addition will be surfaced in a true, Portland cement, 3-coat stucco finish.*
4. *The proposed, brick foundation is approved.*
5. *The permit sets of drawings will show the true, finish grades on the elevations.*
6. *The applicant will receive approval from Chevy Chase Village for the removal of the subject trees and will work with the Village arborist to develop a tree protection plan for this project. This plan will be implemented prior to any work beginning on the property.*

Before applying for a building permit from the Montgomery County Department of Permitting Services (DPS), you must schedule a meeting with your assigned staff person to bring your three (3) final permit sets of drawings in to the Historic Preservation Office at 1109 Spring Street for stamping. Please note that although the Historic Preservation Commission has approved your work, it may also need to be approved by DPS or another local government office before work can begin.

When you file for your building permit at DPS, you must take with you stamped drawings, the official approval letter, and the signed HAWP Application. These forms will be issued when the drawings are stamped by your assigned staff person and are proof that the Historic Preservation Commission has reviewed your project. For further information about filing procedures or materials for your county building permit review, please call DPS at 240-777-6370.

If your project changes in any way from the approved plans, either before you apply for your building permit or even after the work has begun, you must contact the Historic Preservation Commission staff at 301-563-3400. After your project is completed, please send photos of the finished work to HPC staff.

Thank you very much for your patience and good luck with your project!



HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	23 W. Irving St, Chevy Chase	Meeting Date:	11/15/2006
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	11/08/2006
Applicant:	Duane & Paula Gibson (Paul Locher, Agent)	Public Notice:	11/01/2006
Review:	HAWP	Tax Credit:	N/A
Case Number:	35/13-06DD CONTINUED	Staff:	Michele Oaks
PROPOSAL:	Additions		
RECOMMENDATION:	Approve with Conditions		

*Jeff Motion
Jim 2nd
Unanimous*

BACKGROUND

The Commission reviewed this HAWP application at their October 25, 2006 public hearing (transcript is attached beginning on circle 36). The Commission was generally supportive of the project, however, asked the applicant and their designer to study alternative solutions to break up the massing on the east elevation. Additionally, the Commission asked for a roof plan and a more detailed site plan.

STAFF RECOMMENDATION: Staff is recommending that the HPC approve this HAWP application with the following conditions:

1. The approved new, windows and French doors will be fabricated of painted wood, or solid wood with an exterior cladded in vinyl or aluminum. If the windows are to have a muntin profile, the windows will be a simulated divided light wood window, which contain wood muntins that are permanently bonded to the interior and exterior of the insulating glass simulating a divided light appearance. The specifications for the windows will be included in the permit sets of drawings submitted to staff at the time of stamping.
2. All the exterior detailing will be trimmed out in wood. This includes, cornices, window and door trim, balustrades etc. Paintable fiberglass columns may be used.
3. Addition will be surfaced in a true, Portland cement, 3-coat stucco finish.
4. The proposed, brick foundation is approved.
5. The permit sets of drawings will show the true, finish grades on the elevations.
6. The applicant will receive approval from Chevy Chase Village for the removal of the subject trees and will work with the Village arborist to develop a tree protection plan for this project. This plan will be implemented prior to any work beginning on the property.

** architectural detail → uniformity of soffits.
- But different rooflines!!*

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Village Historic District
STYLE: Colonial Revival
DATE: c1914

The original massing is a three-bay, two-story, side gable stucco dwelling. The first floor contains a center entry detailed with a pedimented portico flanked by paired, 6/6 double-hung windows. The second level is detailed with a smaller, set of double-hung windows over the pediment flanked by single, 6/6 double hung windows detailed with operable, louvered shutters.

A two-story addition extends from the east (side) elevation of the house. The 1927 Sanborn Map that this addition was built originally as a one-story addition. Sometime after 1947, the second story was added, the bay window installed and the whole addition was covered in aluminum siding.

Additional non-contributing features/additions of the house include: a shed roof addition extends from the west elevation of the house and from the rear section of the east elevation, and a shed dormer was added to the front roof slope.

APPLICABLE GUIDELINES:

When reviewing alterations contributing resources within the Chevy Chase Village *Master Plan* Historic District two documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Montgomery County Code Chapter 24A (Chapter 24A)* and the *Chevy Chase Village Guidelines* adopted as part of the Amendment to the Bethesda-Chevy Chase Master Plan in 1997. The pertinent information in these documents is outlined below.

Montgomery County Code; Chapter 24A

A HAWP permit should be issued if the Commission finds that:

1. The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
2. The proposal is compatible in character and nature with the historical archaeological, architectural or cultural features of the historic site or the historic district in which a historic resource is located and would not be detrimental thereto of to the achievement of the purposes of this chapter.
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, archaeological, architectural or cultural value of the historic site or historic district in which an historic resource is located.

Chevy Chase Village Guidelines

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* that pertain to this project are as follows:

- Major additions should, where feasible, be placed to the rear of the existing structure so that they are less visible from the public right-of-way. Major additions, which substantially alter or obscure the front of the structure should be discouraged but not automatically prohibited.
- Lot coverage should be subject to strict scrutiny, in view of the critical importance of preserving the Village’s open park-like character.
- Roofing materials should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. In general, materials differing from the original should be approved for contributing resources.
- Windows (including window replacement) should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. Vinyl and aluminum windows should be discouraged.
- Exterior trim (such as moldings on doors and windows) on contributing resources should be subject to moderate scrutiny if it is visible from the public right-of-way, lenient scrutiny if it is not.
- Tree removal should be subject to strict scrutiny and consistent with the Chevy Chase Village Urban Forest Ordinance.

PROPOSAL:

The applicant is proposing to:

1. Remove the existing windows on the front elevation of the existing two-story, addition, which protrudes from the east elevation and replace them with a paired, 6/6 double hung window on the first floor and a 6/6 double-hung, window flanked by louvered shutters on the second floor.

2. Remove all of the non-original aluminum siding from the two-story addition and replace it with stucco to match the main massing.
3. Demolish the existing, one-story, non-contributing, shed roof addition, which protrudes from the rear section of the east elevation of the house.
4. Construct a new, two-story addition in the same location. The addition will connect to the existing two-story addition. The proposed materials include stucco, wood windows and doors, brick foundation, and combination asphalt and smooth metal roof. The smooth metal roof is being proposed on the "hyphen".
5. Demolish the existing one-story, non-contributing, shed roof addition (10'6" wide x 23'7" long), which protrudes from the west elevation of the house.
6. Construct a new, one-story, flat roof addition along the west elevation of the house. The addition will measure 15' wide x 23'7" long.
7. Construct a new, one-story, shed roof addition, protruding from the rear section of the new one-story, flat roof addition being built along the west elevation of the house. This addition will measure 11'5" wide x 16' long.
8. Extend the existing, two-story, rear ell, 11' into the rear yard. The applicant proposes to match the detailing on the ell, which includes stucco, the cornice detailing which includes the large returns, the re-use of the gable window etc.
9. Construct a new, 13' wide by 16' long, two-story, rear ell addition. This addition will match the detailing and materials in the existing ell.
10. Remove two (2) trees for the proposed, new construction. (Chevy Chase Village Board of Managers approved the removal of these trees at their October 9, 2006 hearing).

CALCULATIONS

Existing Lot 12,500 sq. ft.

Existing

House 1,668.92 sq. ft
Lot Coverage 13%

w/ Shed 89.25 sq. ft
Lot Coverage 14%

Proposed

House 2,656.70 sq. ft
Lot Coverage 21%

w/ Shed 89.25 sq. ft.
Lot Coverage 22%

STAFF DISCUSSION

The applicants have addressed the concerns expressed by the Commission at the previous public hearing. The new plan places the addition behind the original massing on the east elevation with an 18" offset. The long wall is broken up at the point where the rooflines change with a second offset of 6". The window has been re-centered on the second floor of the original massing on this façade as well.

The agent has also provides a roof plan and a more detailed site plan, with a cross section showing the proposed retaining wall.

The subject proposal will not negatively impact the existing historic integrity of the house; will be sympathetic to its architectural design, and compatible with the overall streetscape and historic character of the district. This proposal meets the criteria outlined in the *Chevy Chase Village Guidelines*. Staff recommends approval with the above-mentioned standard conditions.

STAFF RECOMMENDATION:

Staff recommends that the Commission **approve** the HAWP application **with the conditions specified on Circle 1** as being consistent with Chapter 24A-8(b)(1) (2) & (3);

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.



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

APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Person: PAUL LOCHER JR
Daytime Phone No.: 301-518-7053

Tax Account No.: _____
Name of Property Owner: Duane & Paula Gibson Daytime Phone No.: 301-215-9093
Address: 23 WEST IRVING ST CHEVY CHASE MD 20815
Street Number City Street Zip Code
Contractor: LOCHER DESIGN BUILD Phone No.: 301-592-0070
Contractor Registration No.: MHIC 46325
Agent for Owner: PAUL LOCHER JR Daytime Phone No.: 301-518-7053

LOCATION OF BUILDING/PREMISE

House Number: 23 Street: WEST IRVING STREET
Town/City: CHEVY CHASE Nearest Cross Street: MAGNOLIA PARKWAY
Lot: 1 & PT 17 Block: 32 Subdivision: SECTION 2
Liber: 2095 Folio: 336 Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

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: _____
1B. Construction cost estimate: \$ 400,000
1C. If this is a revision of a previously approved active permit, see Permit # _____

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

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.

Paul R. Locher Jr OCT 3, 2006
Signature of owner or authorized agent Date

Approved: _____ For Chairperson, Historic Preservation Commission
Disapproved: _____ Signature: _____ Date: _____
Application/Permit No. AP 434952 Date Filed: _____ Date Issued: _____

6

**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:

SEE ATTACHED

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

SEE ATTACHED

2. SITE PLAN

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

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

3. PLANS AND ELEVATIONS

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

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

4. MATERIALS SPECIFICATIONS

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

5. PHOTOGRAPHS

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

6. TREE SURVEY

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

7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

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

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

23 West Irving Street is a well proportioned c. 1914 neo colonial. Unfortunately, the house was modified several times over the last fifty years, most times lacking in attention to size, scope and material selections. The remains of the original house with its classic lines and volume, sits unmodified on a slight hill, its dignity lessened by the two poorer quality additions on the left and right flank.

The original main structure retains its stucco exterior, most of its wood shutters and trims, plus the original windows. A portion of the wood trim has been encased in aluminum and remains obscured. The original two story addition on the right flank has been severely modified and retro-fitted with among other things, a bay window and aluminum siding. On the other side, the original one story addition, possibly a sunroom or screened porch, has been grossly enlarged, re-fitted with undersized windows, then covered in vinyl siding.

The project requirements start with correcting several imbalances with the existing structure, while at the same time working to restore a sense of design that is currently lacking.

The first imbalance stems from the house being functionally obsolete, including oddly sized rooms, poorly proportioned spaces and most critically, no circulating floor pattern on the first floor. The second imbalance addresses the four bedroom layout, equipped with only one bath and no master suite.

The additions designed to correct these flaws are to be harmonious with the historic aspect of the original structure and to add a sense of scale currently missing. The majority of this work would be to the rear of the house, having little impact on the historical environment.

The re-working of the two side additions, and their front facades would clearly enhance the classic appeal of the house by reverting them to traditional designs and natural materials. The completed project would complement and further enhance the historic village by being a showcase for quality design and construction.

Confronting Owners

18 West Irving Street	James Meisel and Julia Dahlberg
20 West Irving Street	James and Kristen Somervell
22 West Irving Street	Georgia Fitzpatrick
24 West Irving Street	Davis and Cary Williams

Adjacent Owners

25 West Irving Street	Brendan and Margaret Babbington
16 Magnolia Parkway	John Finneran, Jr. and Catherine Cotler
20 West Kirke Street	C. Benjamin and Virginia Crisman

23 WEST IRVING STREET

LOT COVERAGE CALCULATION

EXISTING

HOUSE	1608.92	sq
STOOP	60.00	sq
SHED	89.25	sq
	<u>1758.17</u>	sq TOTAL

LOT OF 12500 sq

$$1758.17 / 12500 = 14.06\% \text{ COVERAGE}$$

PROPOSED

HOUSE	2596.70	sq
STOOP	60.00	sq
SHED	89.25	sq
	<u>2745.95</u>	sq
DECK	220	sq

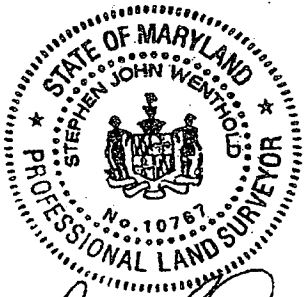
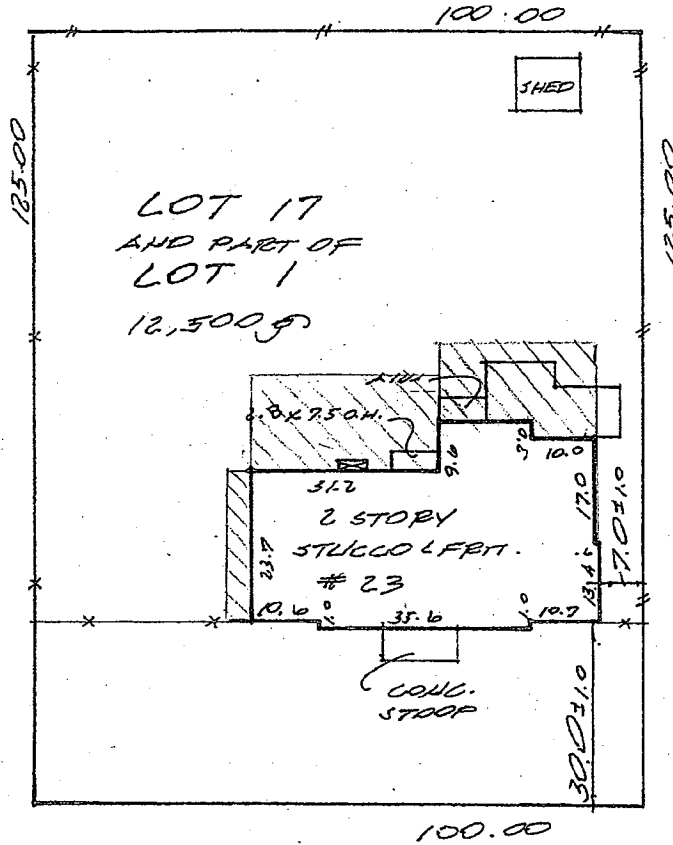
LOT OF 12500 sq

$$2745.95 / 12500 = 21.96\% \text{ COVERAGE}$$

$$\text{DECK} = 1.6\%$$

$$\underline{23.56\% \text{ COVERAGE}}$$

Site Plan



X [Signature]
X Paula Bloomer Libson

IRVING STREET, WEST

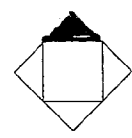
Property predates modern day zoning.

Date: 12-13-04 Scale: 1"=30' Dm: B.P.
 Plat Book: 2
 Plat No.: 106 NO TITLE REPORT FURNISHED
 Work Order: 04-6668
 Address: 23 IRVING STREET, WEST
 District: 7
 Jurisdiction: MONTGOMERY COUNTY, MD

Surveyor's Certification

I hereby certify that the survey shown hereon is correct to the best of my knowledge and that, unless noted otherwise, it has been prepared utilizing description of record. This survey is not a boundary survey and the location or existence of property corners is neither guaranteed nor implied. Fence lines, if shown, are approximate in location. This property does not lie within a 100-year flood plain according to FEMA insurance maps as interpreted by the originator unless otherwise shown hereon. Building restriction lines shown are as per available information and are subject to the interpretation of the originator.

[Signature]

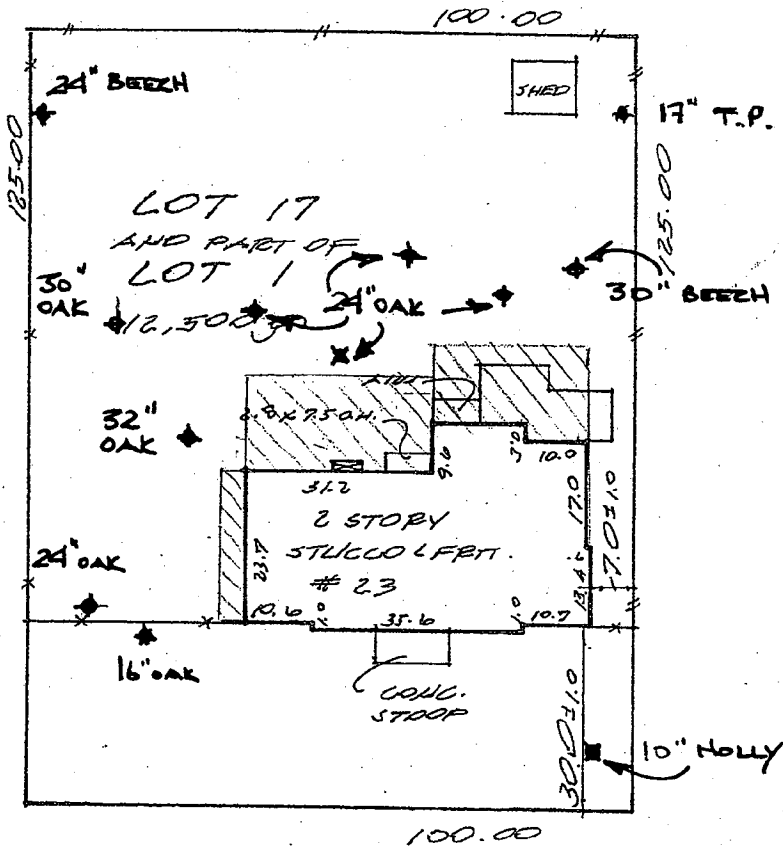


Shade portion to indicate North

Applicant: _____

Page: _____

Tree Survey



X [Signature]
X Paula Bloomer Libson

IRVING STREET, WEST

Property predates modern day zoning.

Date: 12-13-04 Scale: 1"=30' Dwn: B.D.
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[Signature]

LOCATION DRAWING
 LOT 17 & PART OF LOT 1, BLOCK 32
 SECTION No. 2, CHEVY CHASE
 LIBER 2095, FOLIO 336

NOTE: This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. This plat does not provide for the accurate identification of property boundary lines, but



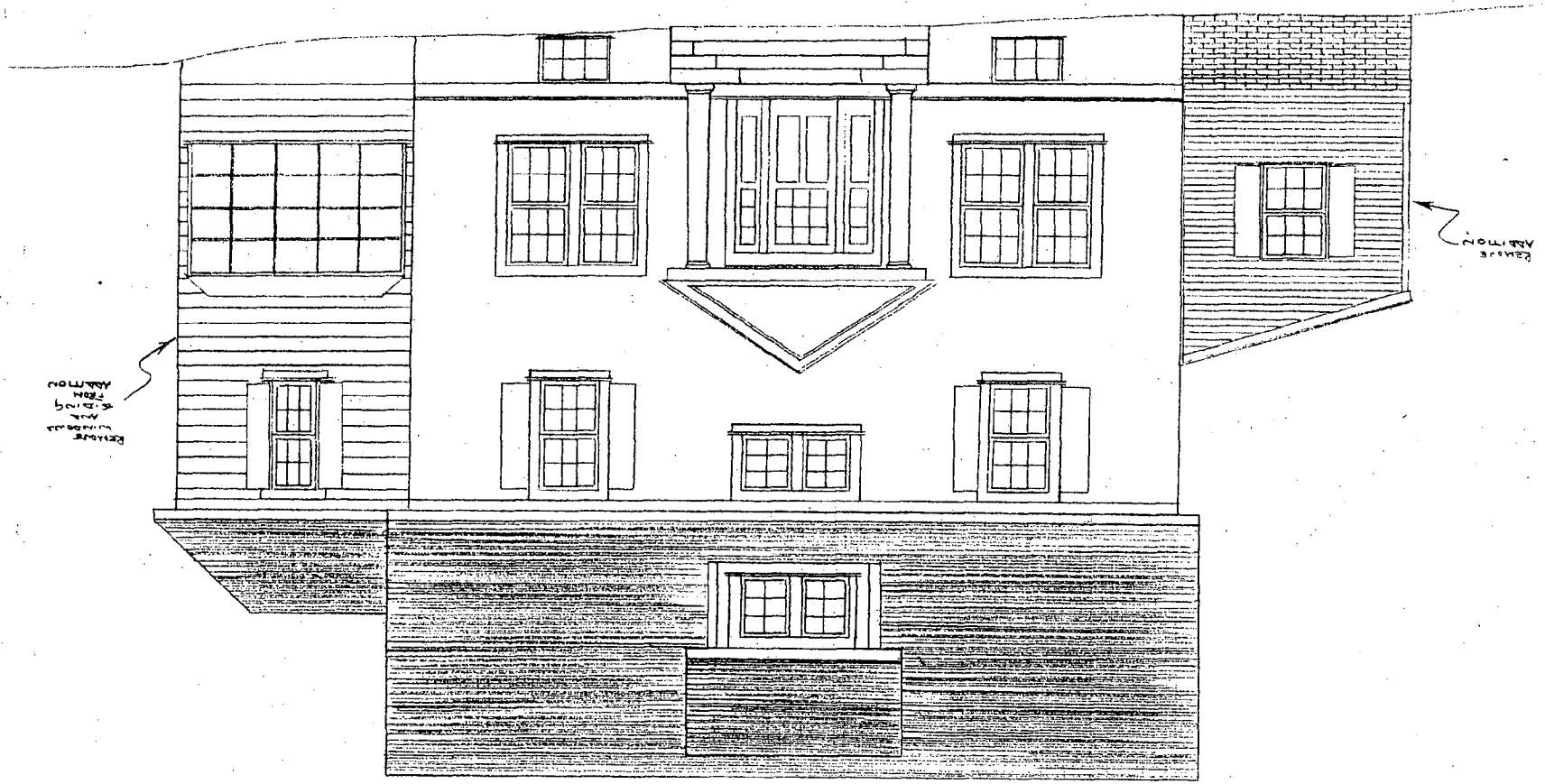
Meridian Surveys, Inc.
 811 Russell Avenue
 Suite #303
 Gaithersburg, MD 20879
 (301) 721-0100

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INTENTIONALLY

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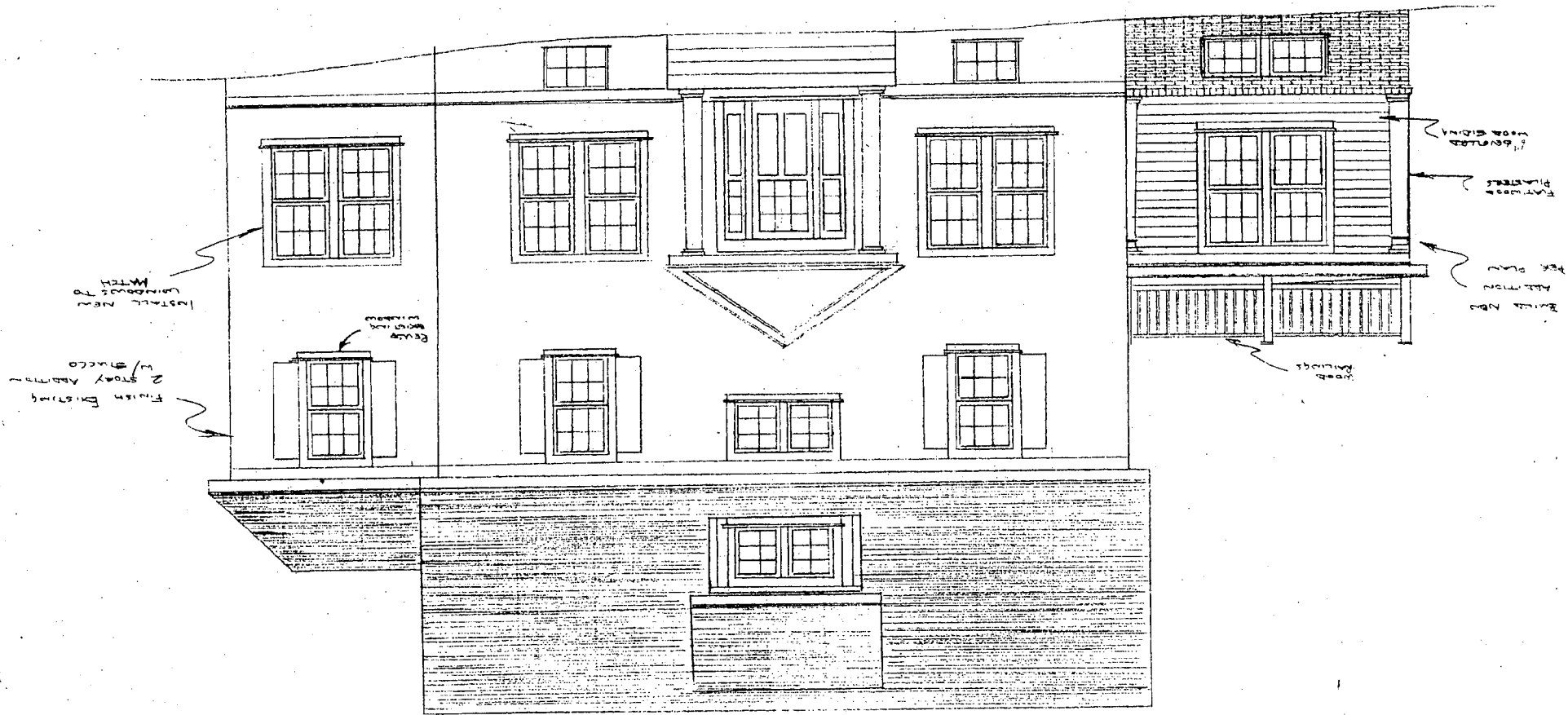
EXISTING FRONT ELEVATION



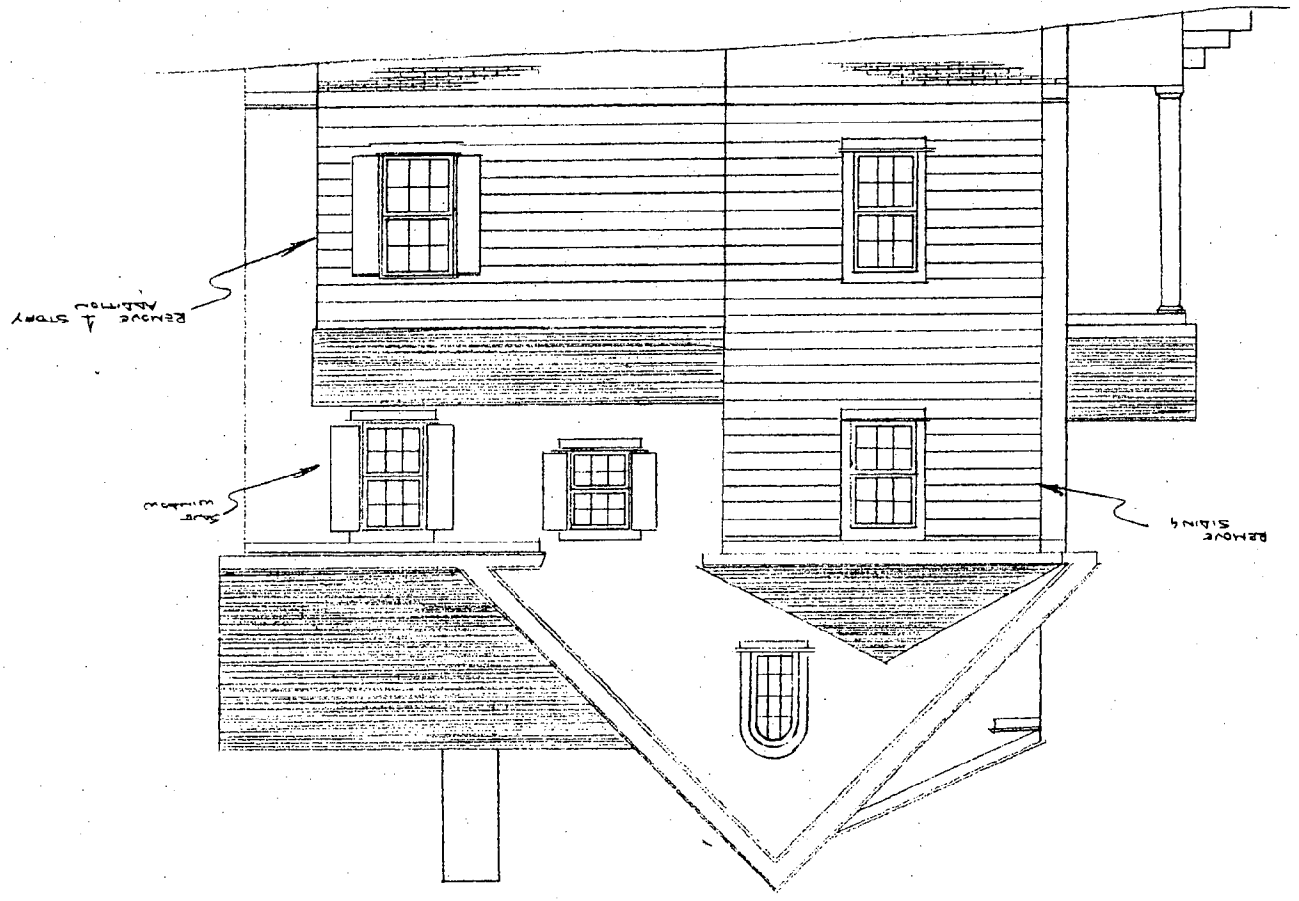
REMOVE WINDOW FROM ADDITION

REMOVE WINDOW

PROPOSED FRONT ELEVATION



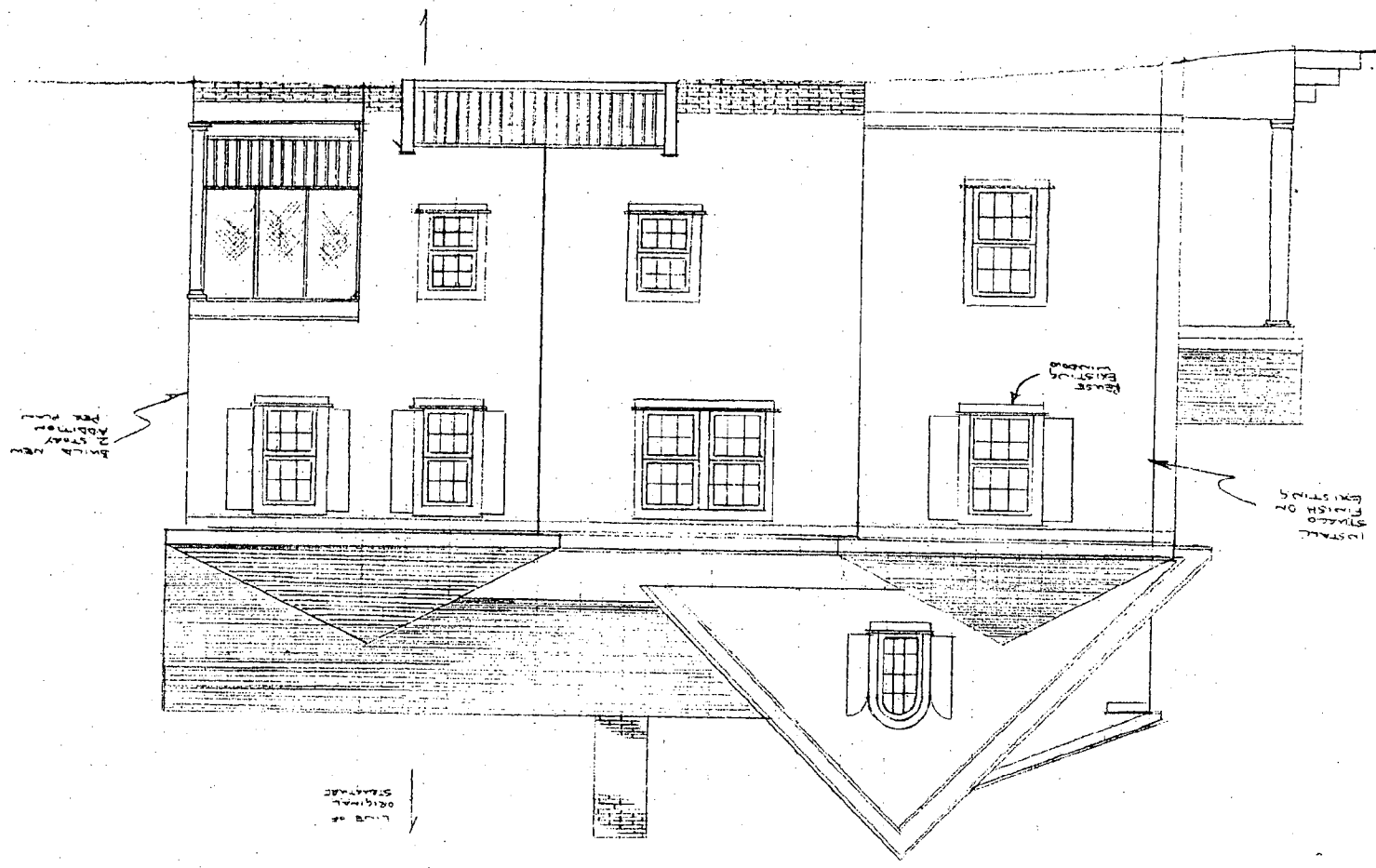
EXISTING EAST ELEVATION



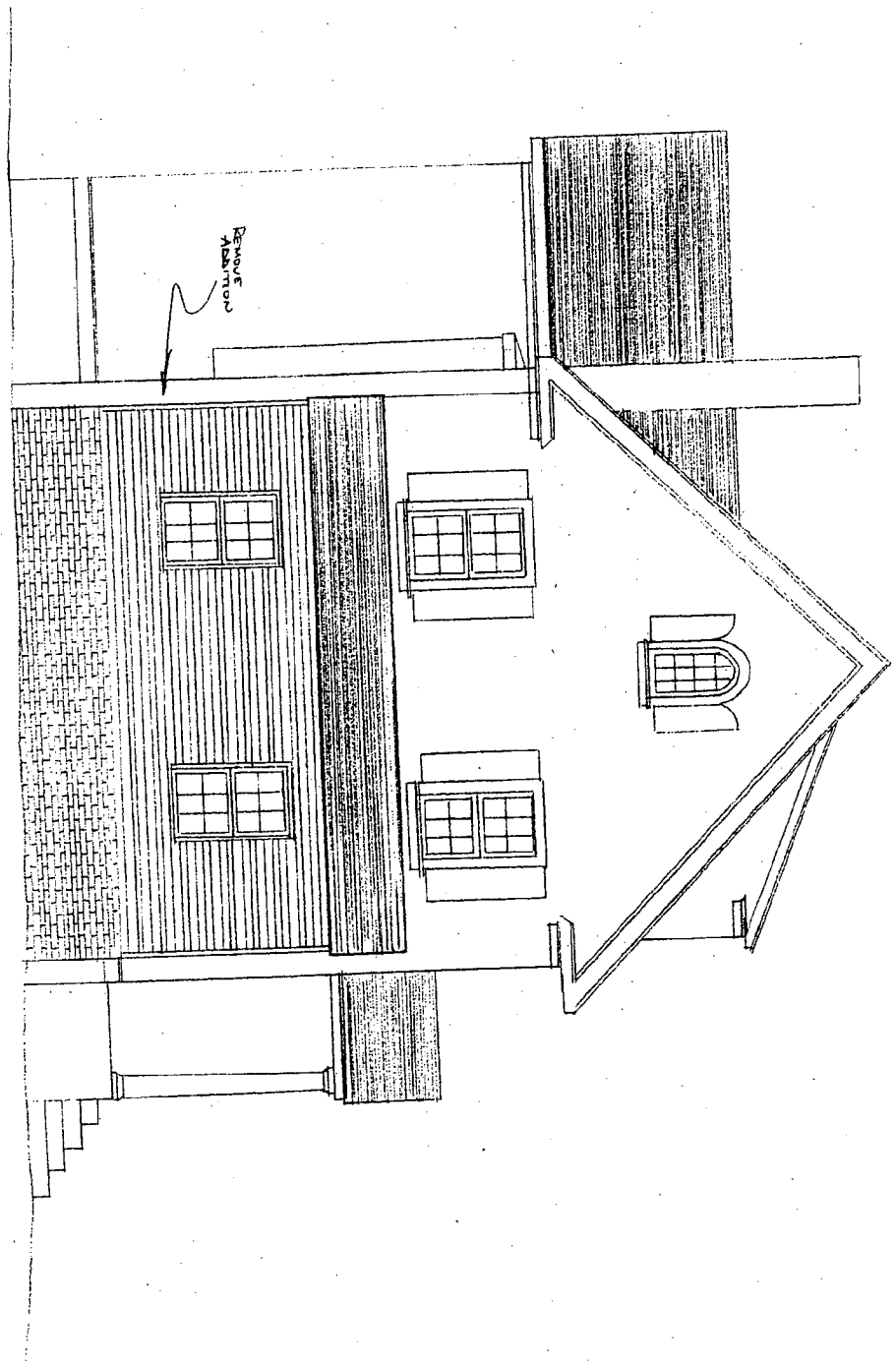
Scale 1/4" = 1'

Scale 1/4" = 1'

Proposed East Elevation



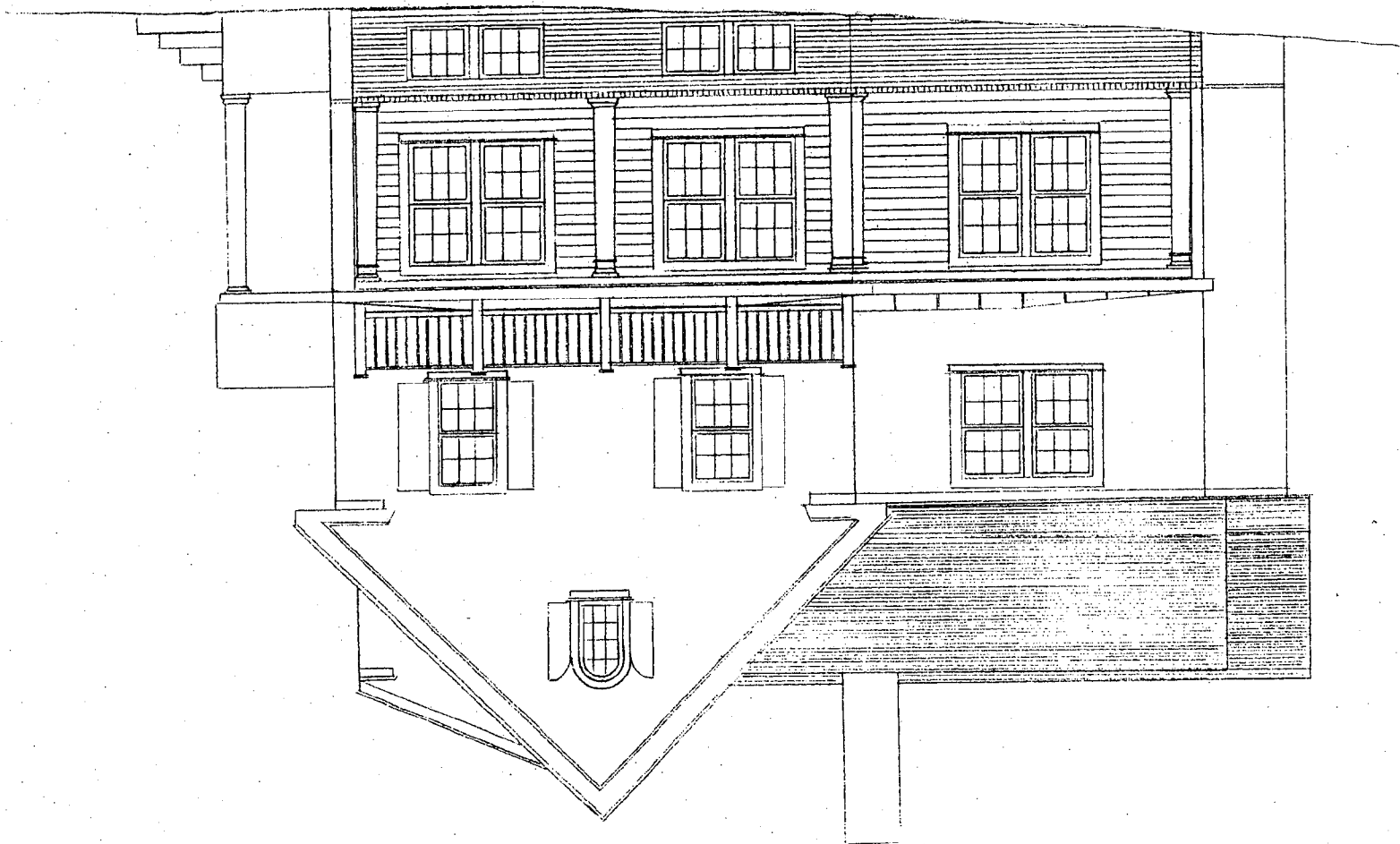
EXISTING WEST ELEVATION



Scale 1/8" = 1'

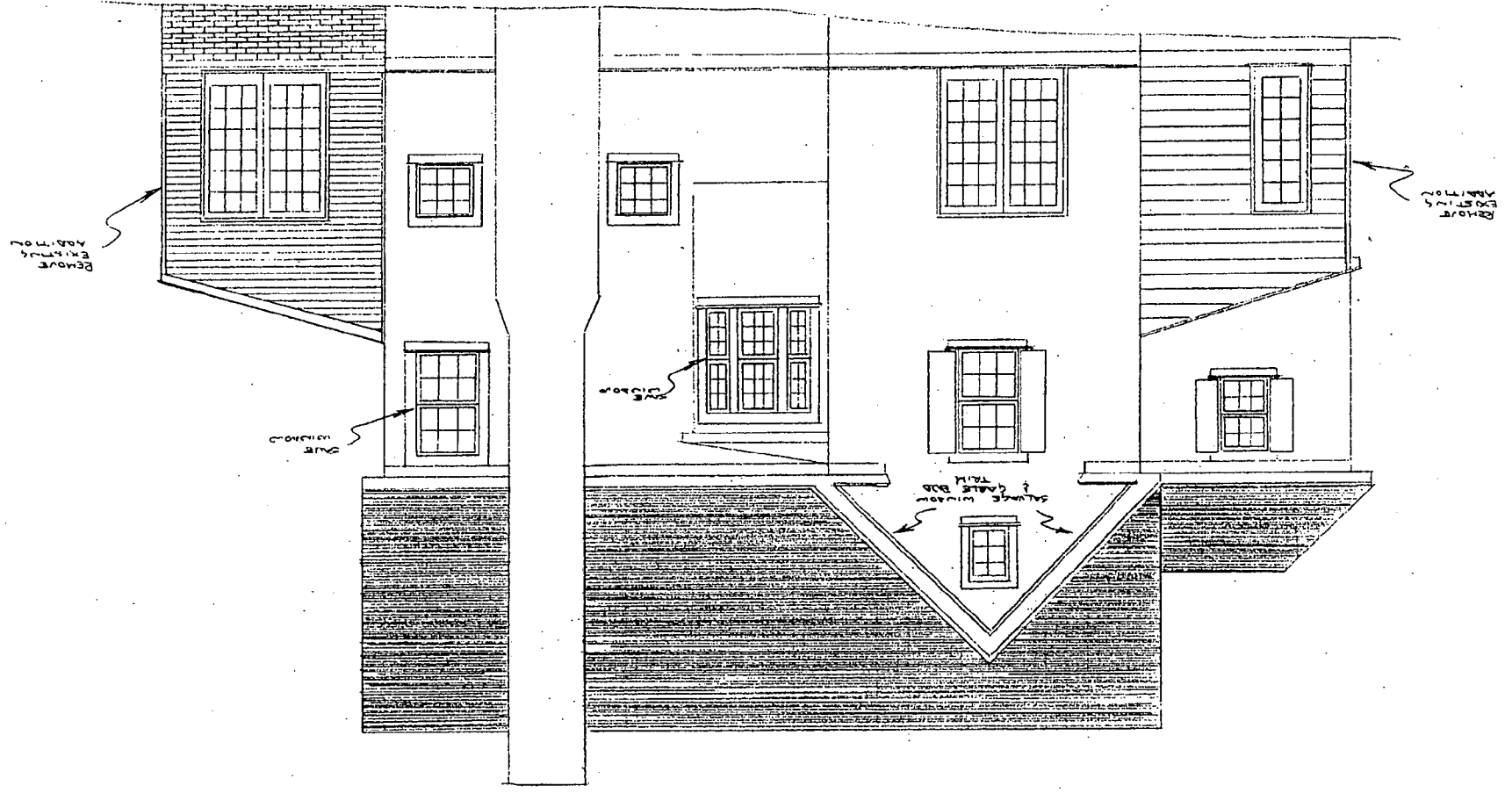
Scale 1/4" = 1'

Porches West Elevation

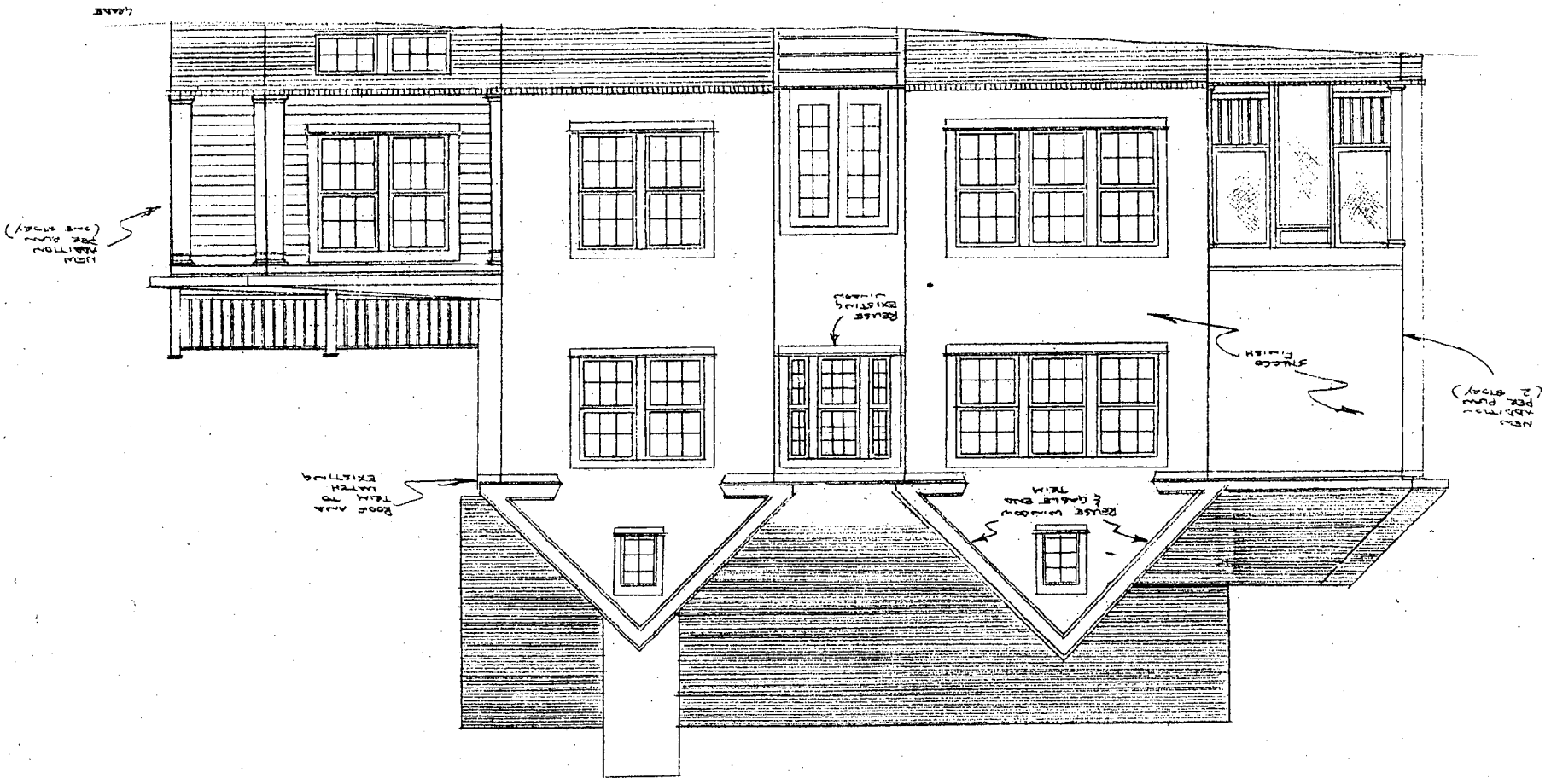


Scale 1/4" = 1'

Existing North Elevation



Proposed North Elevation



GLASS

NEW APPLICATOR (2 STORIES)

ROOF AND TRIM TO EXIST

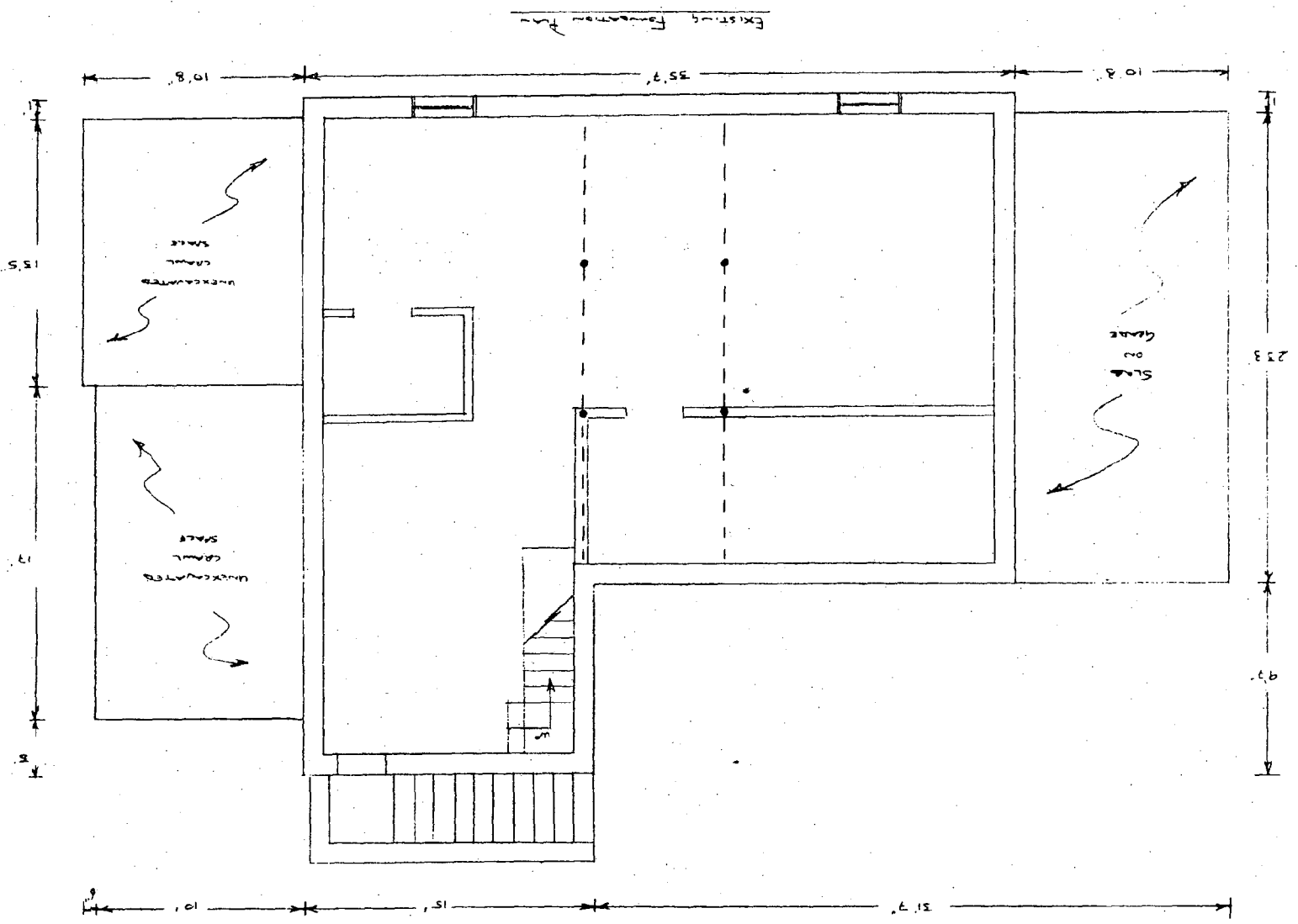
REUSE EXISTING WINDOW

REUSE WINDOW & GABLE END TRIM

STUCCO FINISH

NEW APPLICATOR (2 STORIES)

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

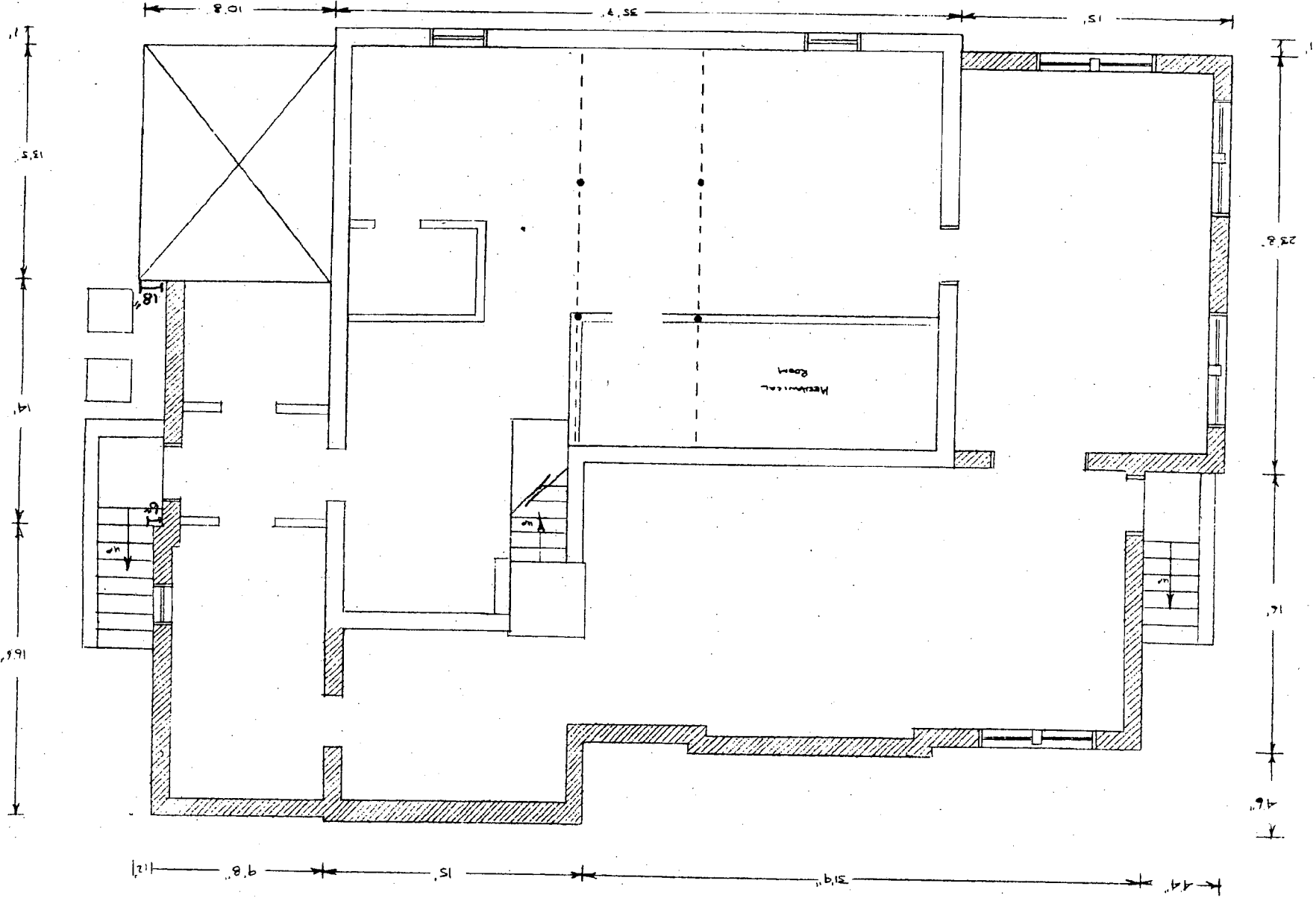


22

Fig 7 of 43

Scale 1/4" = 1'

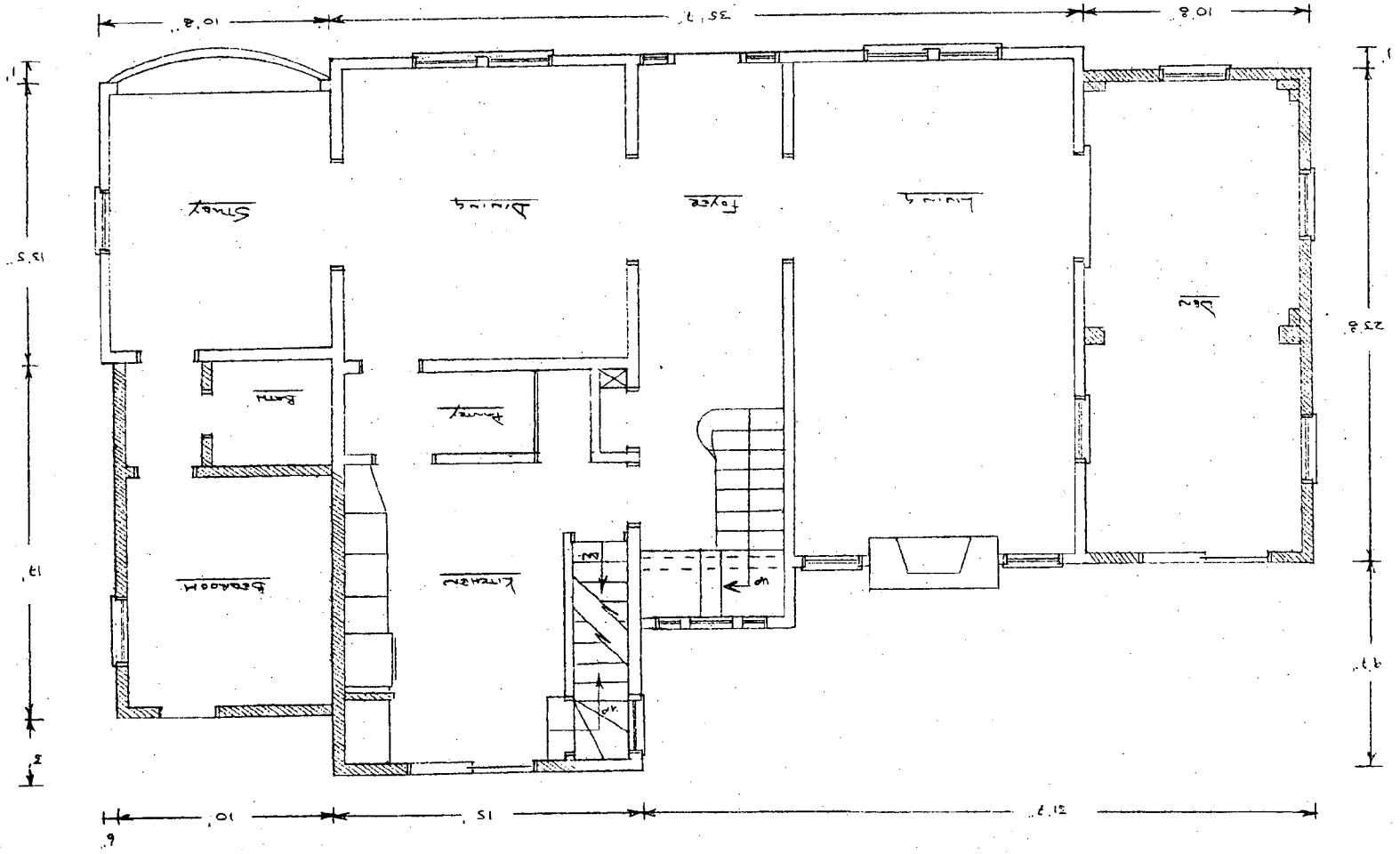
Proposed Foundation Plan



Scale 1/4" = 1'

Existing First Floor

- Walls to be demolished

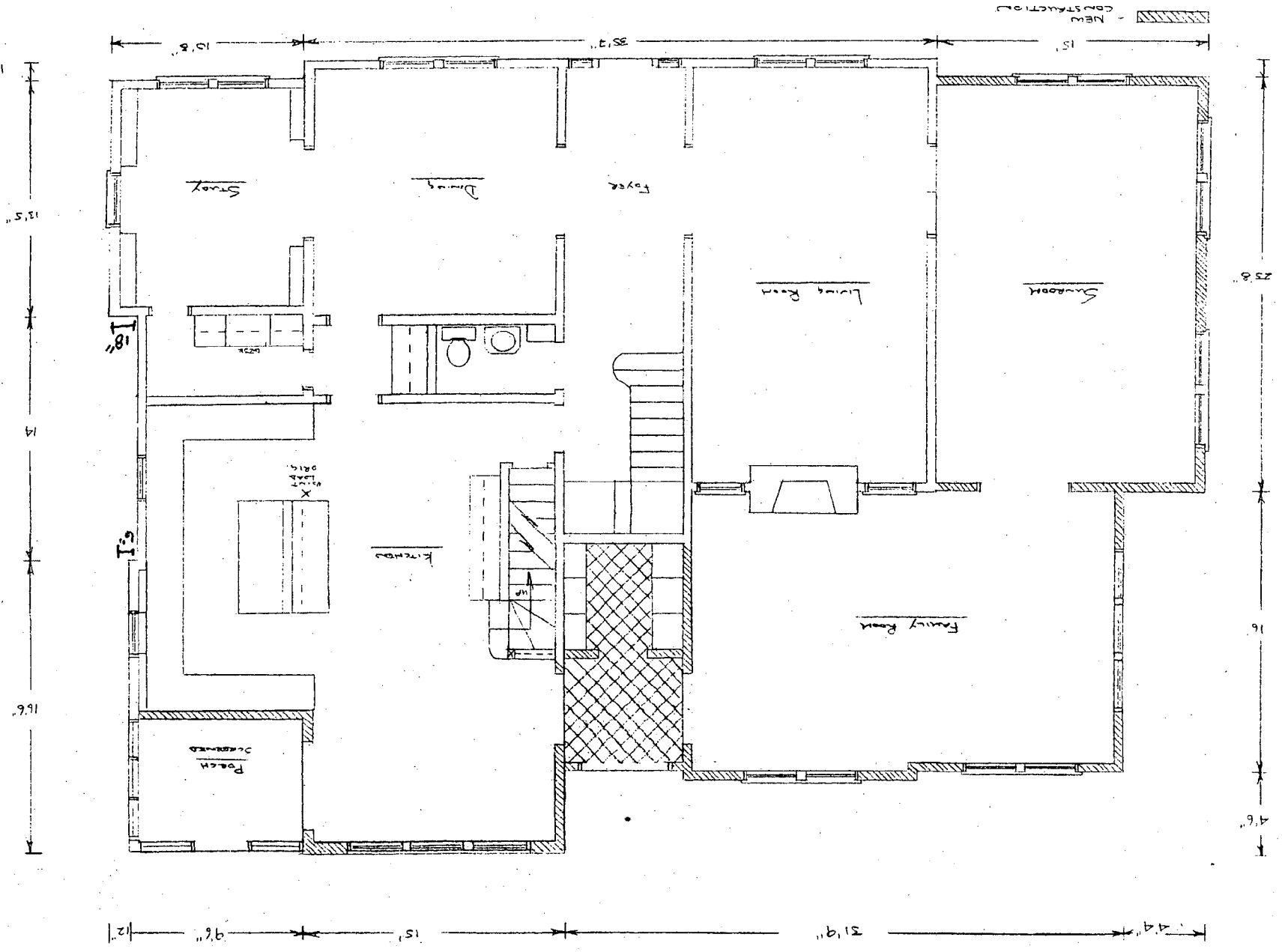


52

PROPOSED First Floor

Scale 1/4" = 1'

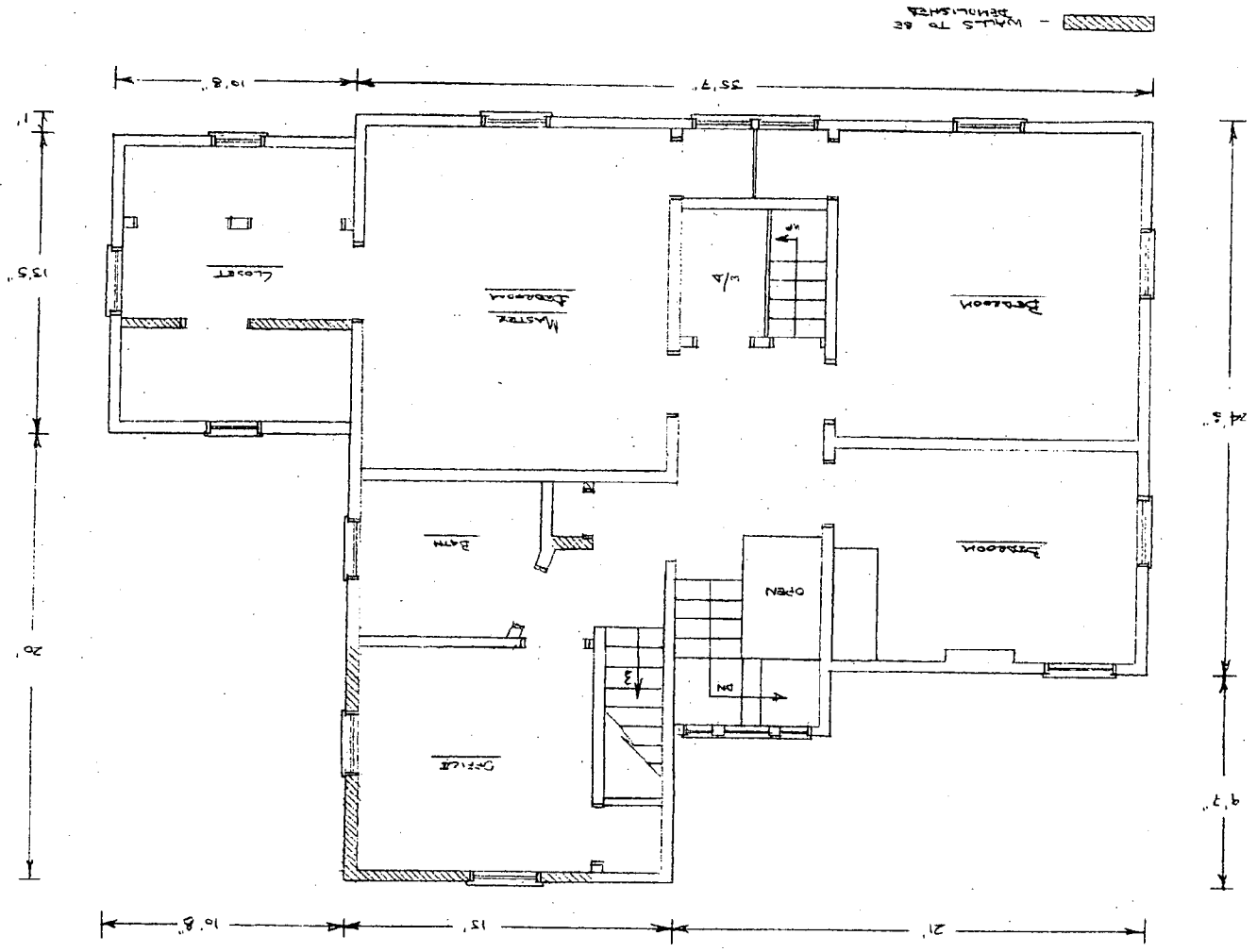
NEW CONSTRUCTION



072

Scale 1/4" = 1'

EXISTING SECOND FLOOR

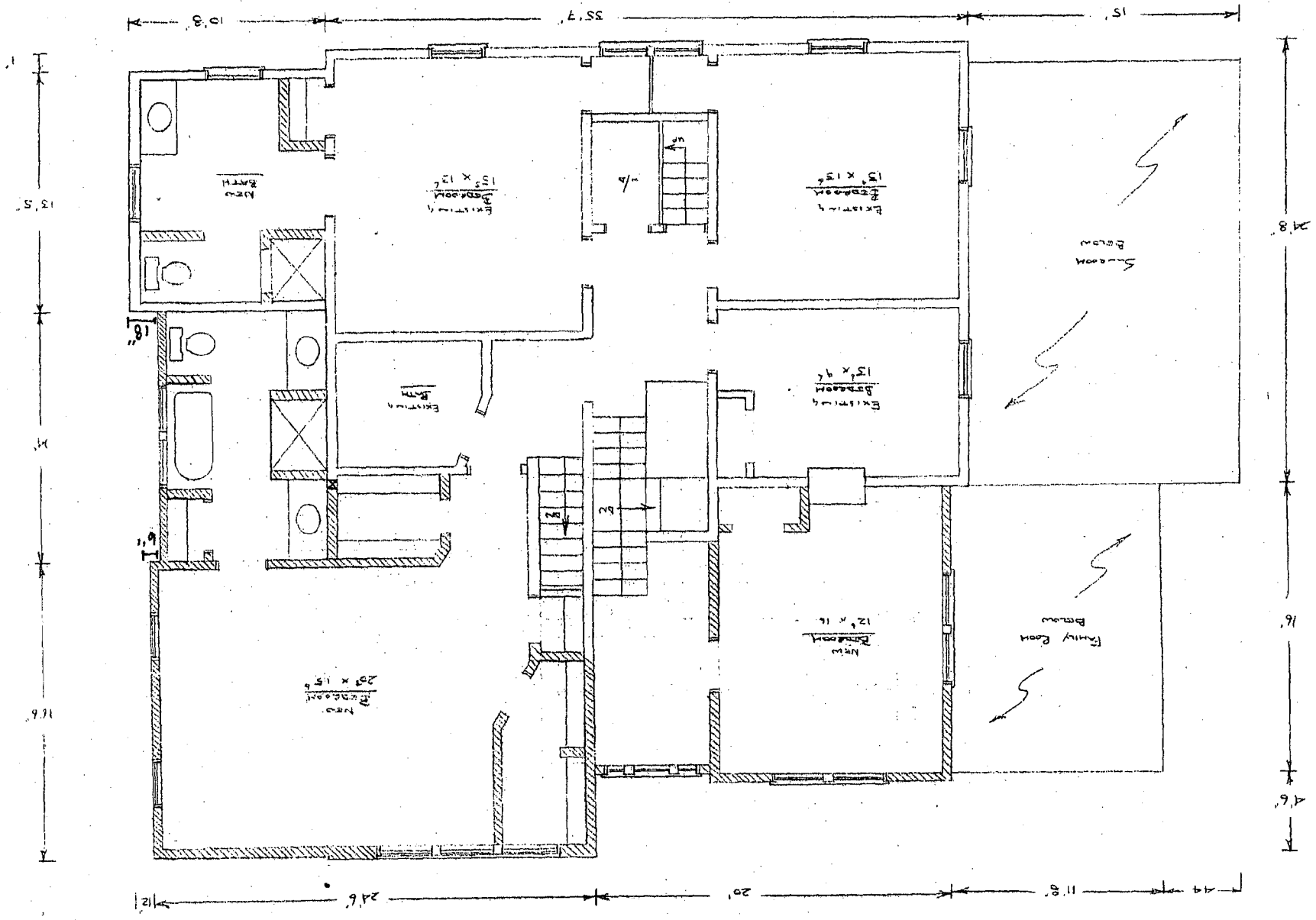


12

THANOSA SECOND FLOOR

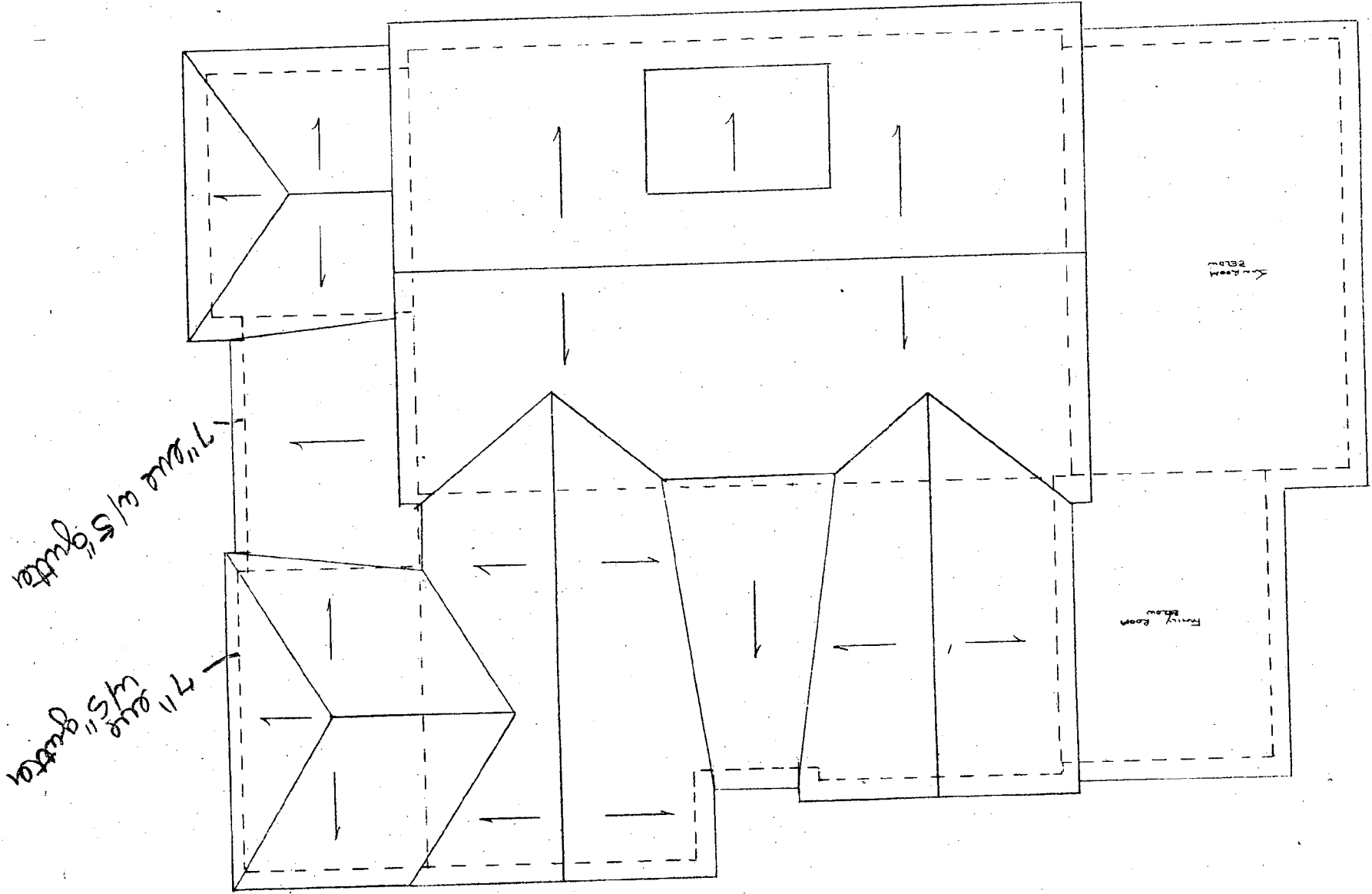
Scale 1/4" = 1'-0"

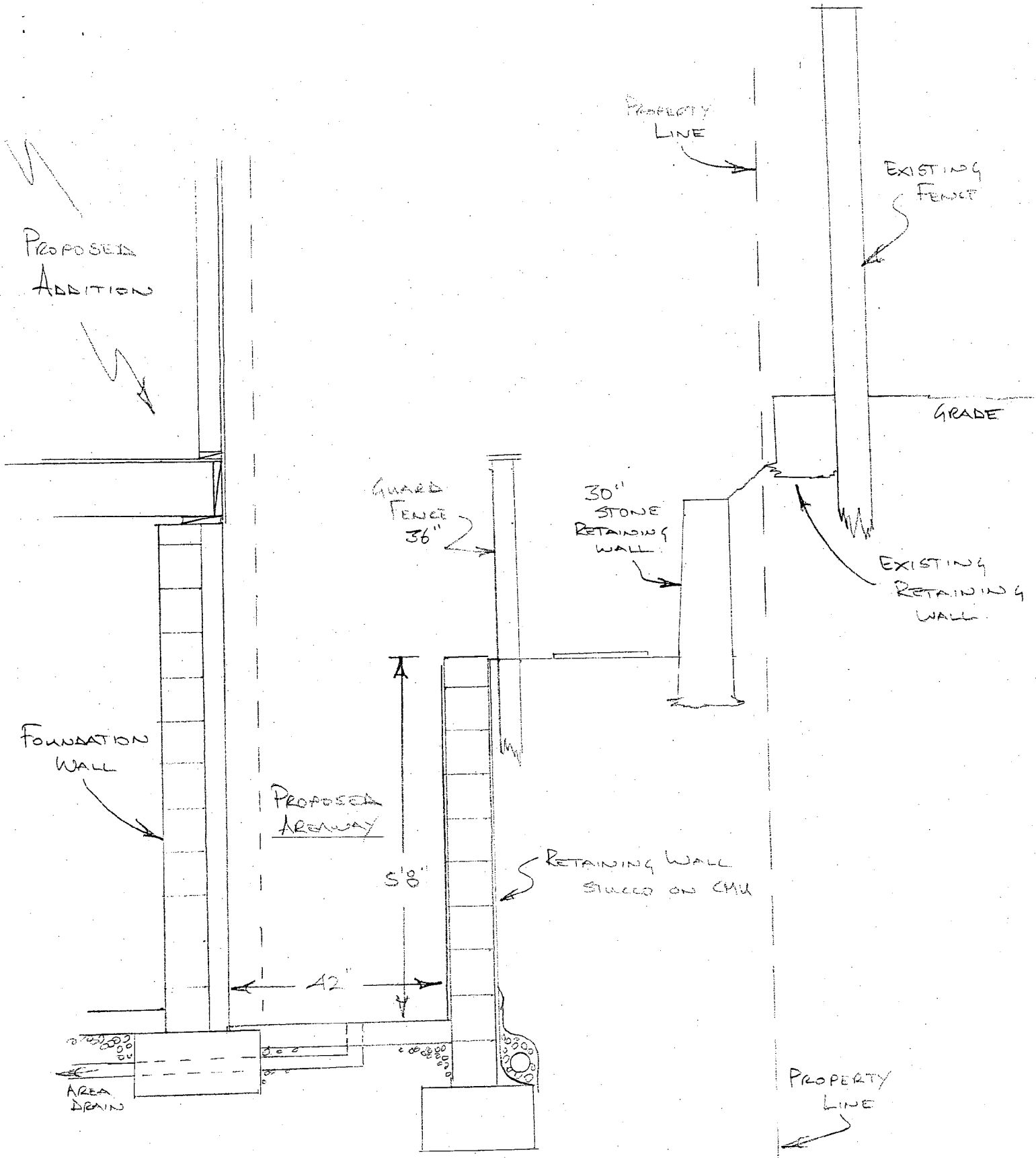
NEW CONSTRUCTION



Scale 1/4" = 1'

Roof Layout Plan
With Roof





PROPOSED
ADDITION

PROPERTY
LINE

EXISTING
FENCE

GRADE

GUARD
FENCE
36"

30"
STONE
RETAINING
WALL

EXISTING
RETAINING
WALL

FOUNDATION
WALL

PROPOSED
AREAWAY

5'8"

RETAINING WALL
STUCCO ON CMU

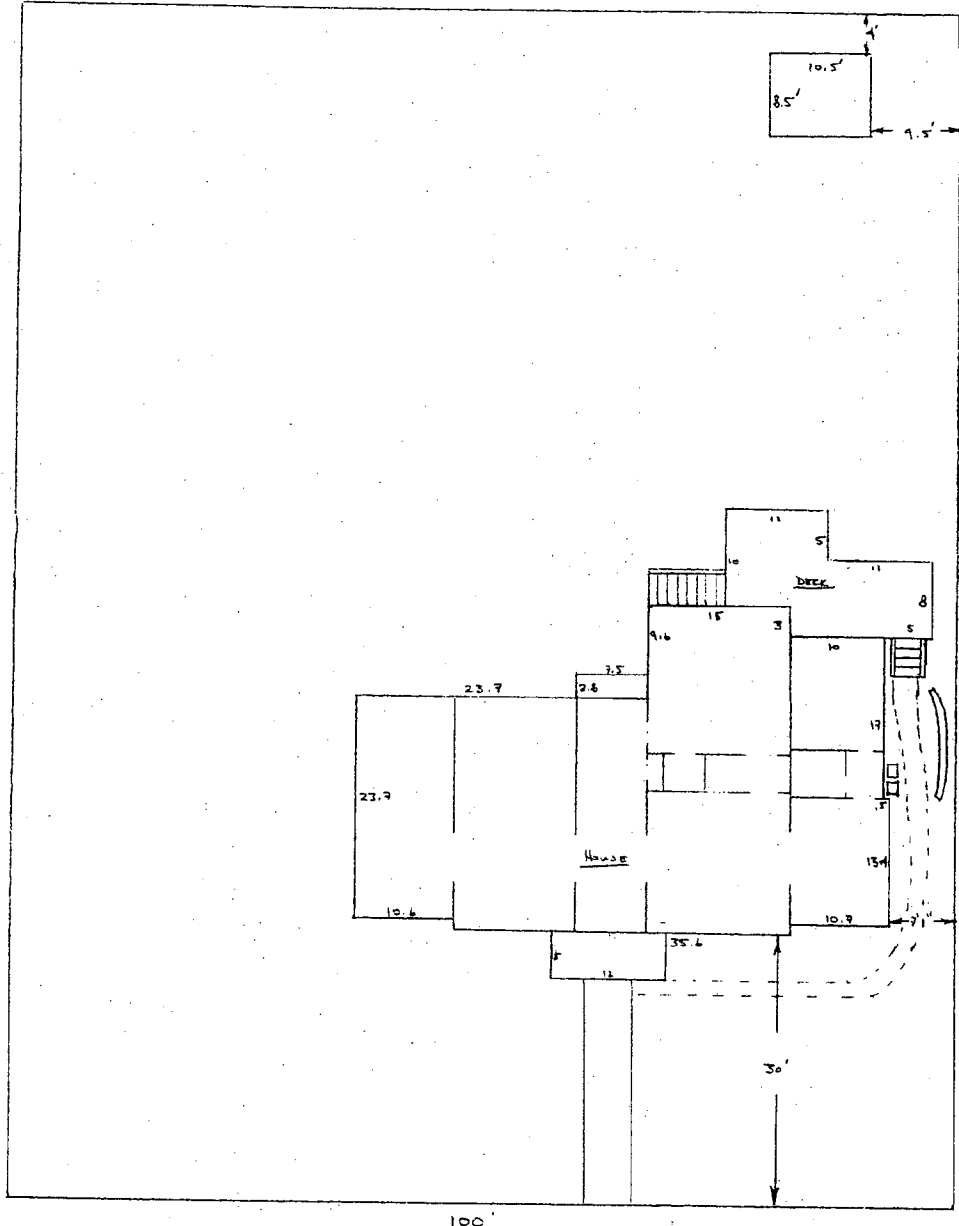
42"

AREA
DRAIN

PROPERTY
LINE

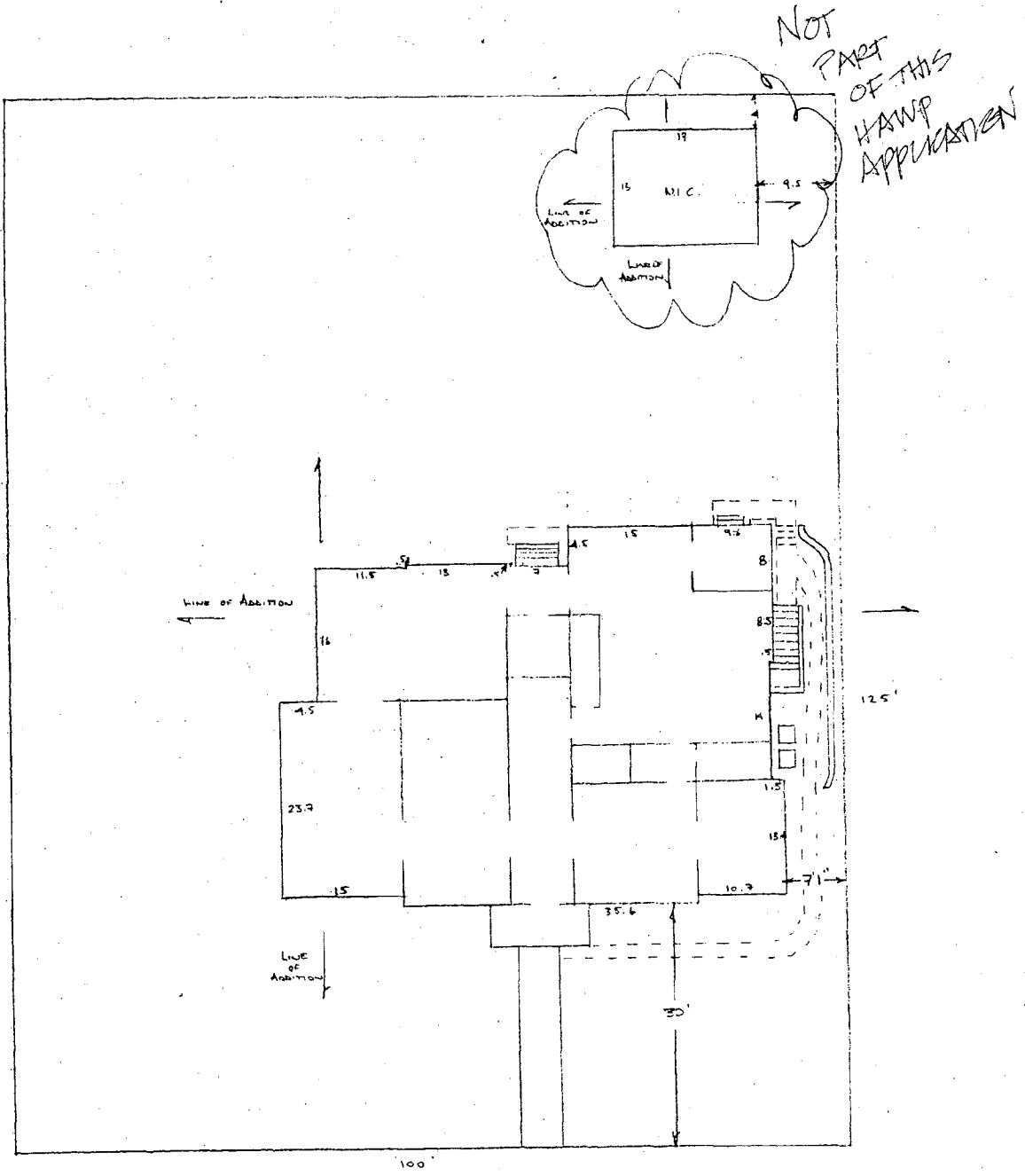
CROSS SECTION C SIDE YARD
SHOWING RETAINING WALL

Scale 1/2" = 1'-0"
29



GIBSON RESIDENCE
EXISTING SITE PLAN

Scale 1" = 10'



GIBSON RESIDENCE
PROPOSED SITE PLAN

Scale 1" = 10'

(31)

Existing Property Condition Photographs (duplicate as needed)



Detail: FRONT ELEVATION



Detail: EAST SIDE ADDITION

Applicant: _____

Existing Property Condition Photographs (duplicate as needed)



Detail: _____ WEST SIDE ADDITION _____



Detail: _____ WEST SIDE ADDITION _____

Applicant: _____

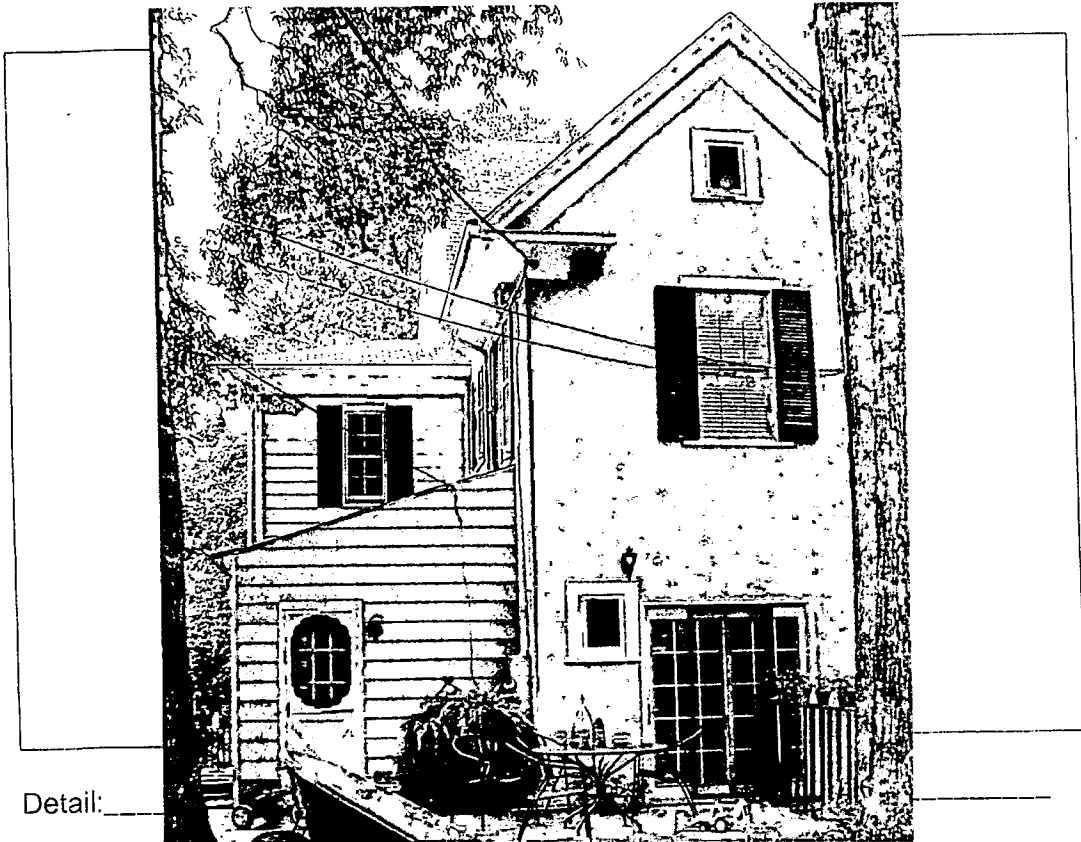
Page: __

33

Existing Property Condition Photographs (duplicate as needed)



Detail: REAR ELEVATION (NORTH)



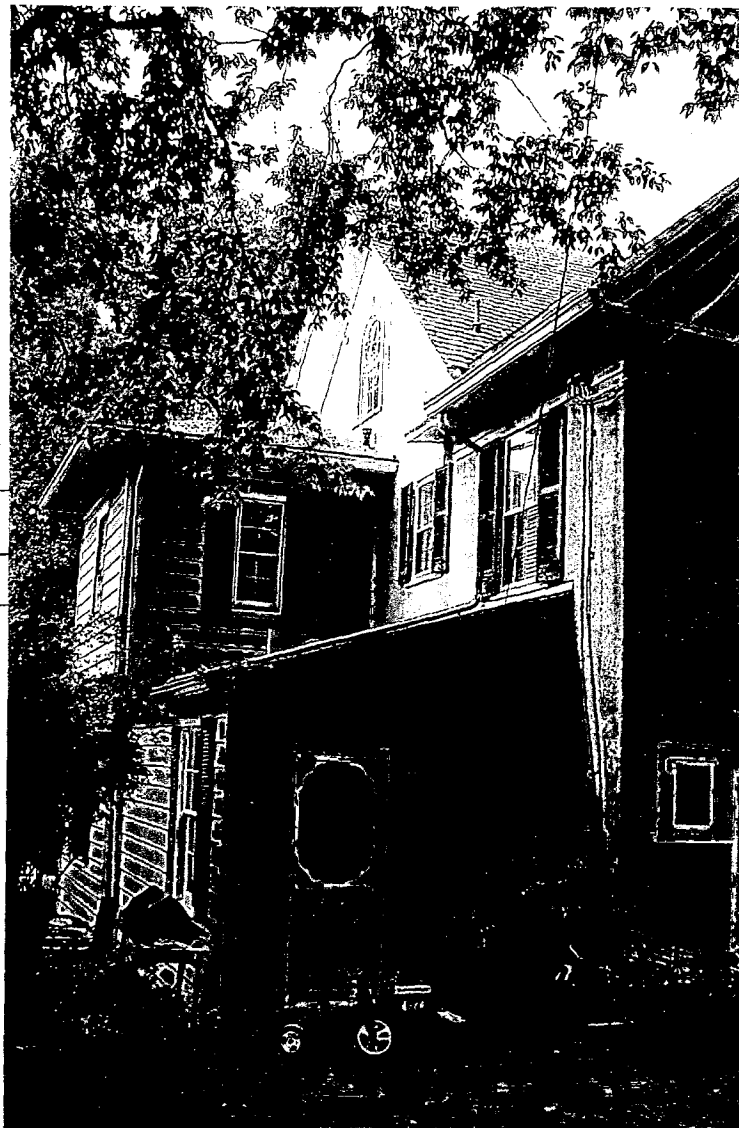
Detail: REAR ELEVATION @ EAST ADDITION

Applicant: _____

Page: __

34

Existing Property Condition Photographs (duplicate as needed)



Detail: _____

Detail: EAST SIDE ELEVATION (OBLIQUE)

Applicant: _____

Page: _____

(Handwritten initials)

1 Motion passes. Continuance.

2 MS. SHYKER: Thank you.

3 MR. KADER: Thank you.

4 MR. FULLER: Thank you. Okay. The next case
5 tonight is Case D at 23 West Irving Street, Chevy Chase. Do
6 we have a staff report?

7 MS. OAKS: Are you ready for the staff report?

8 MR. FULLER: Please.

9 MS. OAKS: 23 West Irving Street in Chevy Chase is
10 a contributing resource within the Chevy Chase Village
11 Historic District. The applicant this evening is proposing
12 to put a couple of additions on their subject resource.
13 They're proposing to demolish an existing one-story non
14 contributing shed roof addition which protrudes on the rear
15 section of the east elevation of the house and to construct
16 a new two-story addition in the same location.

17 They're also proposing to demolish an existing
18 one-story non contributing shed roof addition which
19 protrudes from the west elevation of the house and construct
20 a new one-story flat roof addition along the west elevation.

21 They're also proposing to construct a new one-story shed
22 roof addition protruding from the rear section of this one-
23 story flat roof addition being built along the west
24 elevation of the house. They're also proposing to extend
25 existing two-story rear L 11 feet into the rear yard.
26 They're proposing to match the detail including stucco and

3/0

1 the cornice detailing which includes large returns and the
2 reuse of the gable windows, of the gable window.

3 MS. WRIGHT: If we could take just a minute. We
4 accidentally I think have set off an alarm and we need to
5 get that alarm reset.

6 (Whereupon, a brief recess was taking.)

7 MS. OAKS: Sorry about that. I believe I was
8 talking about the two-story rear L. And they're also
9 proposing to construct a new 13 foot wide by 16 foot long
10 two-story rear elevation. This addition will match the
11 detail and materials on the existing L. Part of this
12 proposal is also to remove two of the trees for the new
13 construction.

14 Just to orient you to this site, the subject
15 resource is here, the contributing resource. You'll note
16 the spacing in the neighborhood on the street. Rear view,
17 the neighbors. And this is the subject resource. This is a
18 good view of the backyard where the proposed additions will
19 be. And this is where the one-story addition will be
20 placed. And then there's also another one-story extension
21 here and another really good view of that, and the L. And
22 that's an extension here. Extension here. Extension here.
23 Further view, kind of streetscape. Also a really good view
24 of that as well and how much open space and the sizes of
25 these houses and an aerial view.

26 Staff is recommending approval with the conditions

1 on circle 1. We, these are standard conditions regarding
2 materials, the windows, the wood, similar, the extra
3 detailing, the turned out wood, the proposed stucco. And
4 then of course dealing with the permit and then the
5 applicant has been to the Chevy Chase Village to get initial
6 review of the project and that information was in your staff
7 report. And this current proposal does meet their codes and
8 they have seen preliminary approval for the removal of those
9 trees. And for that reason we are requesting that for every
10 tree removed that there be one tree from our native species
11 list be planted.

12 And I did note that there is some concern about an
13 overhanging detail and they did some modification to that to
14 comply with a side yard setback. And that's on the side
15 elevation on that side here, the right side. And the
16 current proposal does meet that side yard setback. And I
17 did want to make a note in the staff recommendation on the
18 last condition that this proposal we believe is approvable
19 but, if they do decide to go for a variance to modify that
20 design, Chevy Chase as you know, they look at everything,
21 the eaves and everything in terms of their setback. If they
22 do decide to go for a variance to modify those eaves that
23 would, we certainly would support that and stamp drawings if
24 they make that modification, if they do receive that
25 variance.

26 And the applicants and their architect are here

28

1 this evening and I'll be happy to answer any questions you
2 might have.

3 MR. FULLER: Are there questions?

4 MS. OAKS: Oh, I'm sorry. I do want to enter into
5 the record all the correspondence that you received as well
6 as the LAP that did provide comments and was part of the
7 record you received tonight and they were in favor of the
8 staff report.

9 MR. FULLER: Thank you. Are there questions for
10 staff? Would the applicant please come forward. Welcome.
11 If you'd state your names and give us your comments on the
12 staff report and make your own presentation.

13 MS. GIBSON: Good evening, I' Paula Gibson.

14 MR. GIBSON: And I'm Duane Gibson.

15 MR. LOCHNER: Paul Lochner, agent.

16 MR. GIBSON: Mr. Chairman and members of the
17 Commission, we hope that with the local report from the
18 Chevy Chase Historic Society and with the staff report that
19 this wouldn't be controversial. But, I think we've been
20 working at this for about a year. It's been an iterative
21 process for us. We've examined scores of permutations of
22 how to plan and lay out our house and how to respect the
23 outside of the original house and structure and materials
24 and that type of thing. Over that year we made multiple
25 changes in the design. We made multiple changes in the
26 layout and we think we've arrived at a product that both

29

1 meets our needs as a young family and that meets the needs
2 of, the needs and standards of the community and the
3 historic nature of our town.

4 We worked with what we had. In other words, where
5 it was located and what the structure was. It is a 1914
6 stucco Colonial and it's located on the far east side of a
7 rather large lot. We can't pick up the house and move it
8 and so we planned around the situation that presented. The
9 house had multiple additions over a number of years. They
10 were rather, the additions were rather different, all of
11 them. It amounts to basically a hodgepodge and the
12 hodgepodge is not something that's too aesthetically
13 pleasing to look at when you walk by. Now, we bought the
14 house knowing this and we bought the house with an intention
15 a couple of years ago to make some alterations and to ensure
16 that it would be a house that we could live in for the next
17 20 years and it would be a house that would be nice to look
18 at on the outside. There were some key things that were,
19 that we looked at when we did the plan. And one of which
20 was to try to maintain as much space as we could outside.
21 We have a number of trees. We're fortunate to have a dozen
22 very large trees half as big a round as this table, some of
23 them. And we like that. And when we planned this we tried
24 to plan around the trees and a couple of the trees are going
25 to have to come down and we've received approval unanimously
26 from the Chevy Chase Village to take the trees down. The

1 two that would be needed to be taken down to accommodate
2 this addition.

3 We tried to at least leave things where they were,
4 basic things, you know, hallways and stairs. And we tried
5 to put the new space where it needed to be without making
6 this house a mansion, per se. There are larger houses
7 around us, all around us. And our house wouldn't be nearly
8 as large as those houses, nor would the lot coverage be as
9 much as most of the houses. Our lot coverage is modest at,
10 you know, 20 some percent if you include the shed, well
11 below what the standards are.

12 What I'm basically telling you here, we approached
13 the whole situation with the central question of how do we
14 protect and preserve our historic house and get rid of some
15 of the junk that was built on over the years. And we think
16 we kind of came up with a good product. We preserved the
17 front facade of the original dwelling. We saved the street
18 view along West Irving and mind you, that is the only public
19 right-of-way that borders our house. Between our house and
20 other streets there are very large lots, very large houses,
21 and very large secondary units, some of them are dwelling
22 units. You have two dwelling units basically on a lot. So
23 we took away the mish mash aluminum siding and we had four
24 inch on one side, three inch on one side, one vinyl, one's
25 not. That would be gone. We've replaced it with a stucco
26 finish and I might add on the east side of the house, the

44

1 stucco finish, it's a large area and stucco is very
2 expensive. I mean I'm not a multi-millionaire, but I'm
3 going to pay a lot of money for this stucco in order to make
4 the house look nice.

5 We preserved the right front gable. We preserved
6 the end gables. We were sensitive to the proportioning of
7 the house on the outside trying to make sure that everything
8 was, everything was somewhat balanced. And we tried to make
9 as little overall alteration of the house as possible. We
10 think that we in the whole process we were respectful to the
11 house. We were respectful to the neighbors and we were
12 respectful to the advice that we got from our designer and
13 from the research that my wife, Paula, did and from the
14 staff here when we had some informal consultations to try to
15 figure out how to best do this, this project. So,
16 importantly, our design is appropriate to consistent with
17 and enhancement of the underlying historical structure. And
18 that was what guided us through the whole process. We
19 really would like to protect the architectural integrity of
20 the original structure and we'd like to add to it in ways
21 that are somewhat distinguishing from the original
22 structure, but also consistent with the spirit of the house
23 and to make it functional for our family.

24 I think there are a number of criteria in your
25 regulations that we would qualify for for you to approve our
26 design. Paul Lochner is here to answer any questions on

1 some of the technical things or, you know, why we had to
2 leave certain walls where they were and that type of thing.
3 But, we appreciate you considering this and I hope I haven't
4 taken too much of your time.

5 MR. FULLER: Are there questions for the applicant
6 at this time? I'd ask that you sit back down. We have a
7 number of other speakers. We'll let them talk and bring you
8 back up. We'd like to start with John Finnerman.

9 MR. FINNERMAN: Good evening and thank you very
10 much for taking the time to hear. Again my name is John
11 Finnerman. My wife Catherine and I live next door to the
12 Gibsons. And we've made a written submission and hope that
13 each of you will have a chance to take a look at it.

14 We don't enjoy being here, and in fact, we
15 wouldn't be here opposing the Gibsons plan to expand their
16 house if only they'd agree to move the new portion of the
17 east wing back far enough, and I think we're literally
18 talking about 12 inches so that it would allow two things.
19 You know, appropriate architectural detailing on that side
20 of the house including eaves and to stay consistent with the
21 setback requirements of the Village code. And we actually
22 thought that that's what they had agreed to do based on a
23 prior conversation that we had with them, but, apparently
24 not.

25 Where they chose to cure the problem of setback
26 was to chop the eaves off. And so we're concerned that

1 they're trying to solve one problem, but then they create
2 another for the Village. So we don't view this again, we're
3 not opposed to having them put an addition on, we just think
4 it ought to meet both standards of, you know, the historic
5 preservation and, you know, the Village setback
6 requirements. And, you know, so again, I think it's denying
7 them a right to add to their house, but really just striking
8 the right balance between adding their own personal space
9 which I have sympathy for but also and also, you know,
10 contributing to the character of Chevy Chase.

11 We've brought a few exhibits. I think this also
12 shows the location of the house which is the one that has
13 the hatch marks on it which shows the proposed addition.
14 And you can see that it's because of the angle of Magnolia
15 Parkway, despite the fact that their property doesn't abut
16 Magnolia Parkway, there are views for the rest of the
17 community multiple places along the parkway and actually
18 even from West Kirke Street to both the east side of the
19 house, in other words borders our property as well as the
20 north side of the house.

21 I should put the second exhibit up. This is
22 actually a rendering of what the east side will look like
23 from Magnolia Parkway through our courtyard and yard.
24 That's our house on the top to the left hand side.

25 MR. FULLER: You have 30 seconds left so if you
26 could sum up --

44

1 MR. FINNERMAN: Okay.

2 MR. FULLER: -- your presentation.

3 MR. FINNERMAN: Okay. You know my, pardon me?

4 MR. STRONGHAM: Are we permitted to cede time?

5 UNIDENTIFIED VOICE: Yes, you can.

6 MR. STRONGHAM: Sorry. We have 15 minutes total,
7 five people here to speak.

8 MR. FULLER: That's fine.

9 MR. STRONGHAM: Thank you.

10 MR. FINNERMAN: So this here is the view through,
11 from Magnolia Parkway through to the and what the addition
12 will look like. And you can see that the, you know,
13 essentially because of the stripping of the architectural
14 details it's just kind of a flat wall that people will see
15 from the Village. No eaves, no shutters, no columns, no
16 trim, no need for depth at all to this side of the house.

17 If you'd put up the third exhibit, please. This
18 actually is a rendering of what each of the sides of the
19 proposed addition will look like. And again, you can see
20 where there is, you know, appropriate architectural
21 detailing on the other three sides of the house. Again, on
22 each side, you know, what we'll be seeing from Magnolia
23 Parkway is just a flat structure. And while I believe there
24 are eaves on that first 13 feet of the 44 foot side view.
25 There are no eaves or any other architectural detailing to
26 add depth at all on the remaining 30 plus feet.

1 As I said, there are views from Magnolia Parkway.
2 We've included some pictures within the materials that we
3 submitted and we prefer each of those. As we kind of looked
4 at this the last couple of days I think there's another
5 issue that's come up, too, which is that there are a number
6 of trees on their property in the back as Mr. Gibson said.
7 And you know, I think in addition to the two that are like,
8 that they've already gotten permission to come down, there
9 are probably at least four more. There's an arborist report
10 that we submitted with our packets that are going to be
11 endangered because of the addition. And I don't think that
12 that has been given the kind of consideration that, you
13 know, we would expect.

14 Finally, you know, I think that there hasn't
15 really been an exploration in either the staff report or the
16 local advisory committee report of the other alternative
17 here which is that, you know, they just step back that last
18 30 feet of the new addition, you know, enough to add some
19 eaves and some other architectural detailing. But this
20 isn't about someone trying to prevent the neighbor from
21 building. That's not why we're here. You know, we're just
22 trying to make sure that it strikes the right balance and
23 that it looks good for the rest of the community and doesn't
24 encroach upon the setbacks.

25 We would respectfully request that you deny the
26 application in its current form. Thank you very much.

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1 MR. FULLER: Thank you.

2 MS. WHITE: Thank you, I appreciate that. I would
3 just like to be brief. I'm Emily White and I have really
4 three points. And the first is addressing the issue of the
5 eaves. And I think that is the most important or the, on
6 the surface and that is why deep overhanging eaves that on
7 this house and on so many of the houses in Chevy Chase are
8 character defining feature. And if you look at the drawing
9 here, if you look at the photograph of the house that is
10 here, you can see that there are eaves on the house, on the
11 addition. The cutting of them, the clipping of them off
12 from the design is not appropriate. The house currently has
13 deep eaves on all four sides. It should continue to have
14 these. It is very appropriate to the house originally and
15 it should keep that. It will change the appearance of the
16 house and it will be visible. Will be visible in many
17 different ways.

18 The extension to the rear here will be back
19 considerably and the wall that we saw in the earlier drawing
20 is going to be there when the, especially when the trees do
21 not have their leaves and there are more trees cut, the two
22 trees that are cut.

23 But my concern also extends into the east
24 elevation. It's very flat. There is, if you look at the
25 drawings carefully there's a greater level of, these are not
26 just additions. They're going to be removing walls and the

1 house will be not just larger, but flat. The articulation
2 of the mass of the house as it is now may be inappropriate
3 of the additions that have been put on, but it is not
4 appropriate to correct that by making another wall, another
5 mistake here. I think that to add some depth as has been
6 suggested by Mr. Finnerman to keep a sense of rhythm and
7 articulation to the facade on the east side as it is on the
8 north and west as well as the west, to the west, north and
9 south is very appropriate. But I wouldn't think or doubt
10 that the problem with the north elevation comes right in
11 here. This is a flat surface as well, very, very minor
12 differential, very minor if you look at at the drawing. And
13 it's not that assimilar from what's happening back here.
14 There are some lines on your drawing that indicate that
15 there's a change. And in fact, this window is currently set
16 at the original back walls and come forward dramatically.
17 They're not actually going to preserving these Ls but
18 actually recreating the L there, maintaining the trim that
19 is on the one L. But they'll be pushing it out.

20 And I think it's important that you do look at
21 these photos because there's no roof plan in your set. That
22 at least I did not see one. And I think that the roofs that
23 are being proposed may, should be looked at very carefully,
24 particularly the hyphen that's been put in which will be
25 very flat and introduces a metal seam roof which is not
26 appropriate to this style and this period of a 1914 house in

1 this particular appearance. The stain seam which would be a
2 much earlier style. You might see that in a certain type of
3 house than what is here now. And there was a slate roof on
4 this originally that has been replaced primarily in asphalt.

5 And I think it would be better to have a consistency of
6 material across the way.

7 In conclusion, I think that it's real important
8 that you look at the drawings as they are. That they need
9 to be developed. That there are issues with them that need
10 to be addressed and that the depth of character that is a
11 character defining feature of Chevy Chase Village, not just
12 in the eaves, but in all aspects of this design should be
13 what this Board is interested in. And I think it is what
14 you have shown yourself interested in in the past. It is
15 the difference between the new McMansions of other areas and
16 what we have in Chevy Chase. So I would encourage you to
17 ask them to move this back the 12 inches or so that it would
18 take to ensure that the eaves would remain as part of the
19 design and not turn this side elevation in what might be
20 considered more of a rear elevation and less articulated
21 fashion as we might see in other areas. Okay.

22 MR. FULLER: Thank you.

23 MR. STRONGHAM: I think I'm the only one left.

24 MR. FULLER: Okay.

25 MR. STRONGHAM: Good evening. My name is Andrew
26 Strongham. I'm here, I'm with the law firm of Knopf and

1 Brown representing the Kinnermans. I'll be very brief.

2 In sum and substance what, the question that we
3 get from this project as presented, this house has been
4 designed from the inside out and that considerations of
5 interior space have been permitted to exhaust over
6 appropriate considerations of historical design. And this
7 is important to the environmental setting of the house. The
8 trees are subject to scrutiny in this district. The expert
9 opinion of not only an arborist but also the builder is that
10 as many as four trees are going to be, additional trees will
11 be removed because of work within the critical root zone.
12 In effect, what we think when you combine those trees with
13 the staff recommendation number 8, is that when all is said
14 and done, we'll be back here for, we'll be in front of the
15 Village for request for a variance because everyone agrees
16 it will look better with eaves. And we will be back for
17 additional tree permits for the additional trees that are
18 going to be damaged and probably killed by the planned
19 construction.

20 All of this I'm afraid is just emblematic of what
21 has just simply gone along for reasons we don't understand
22 with respect to the planning process. We have been excluded
23 despite requests from conversations with staff to raise
24 these concerns in a way that we think would have been much
25 more appropriately address so that we could have tried to
26 find some common ground with the applicants. The last thing

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1 that we want to do is to create friction between next door
2 neighbors. But that's happened because we've been denied a
3 voice here.

4 There is a process here for preliminary
5 consultation and that's not been followed. And it's not
6 been followed. What's happened instead we've heard from the
7 applicant and from staff is that there have been a year long
8 process with many iterations of siting and layout and
9 design, none of which included even the courtesy of
10 including my client in those conversations, on the contrary,
11 I think to the public spirit of the preliminary consultation
12 requirement. So we would ask that you give the most utmost
13 consideration now to what amounts to the first opportunity
14 the neighbors and anyone other than the applicant have had
15 to express their concerns.

16 And with that I submitted a letter that I would
17 hope and trust that you will have a chance to read at your
18 leisure. And with that I think we'll take whatever
19 questions you may have. Thank you.

20 MR. FULLER: Are there questions for these
21 speakers?

22 MR. BURSTYN: I believe that at the beginning of
23 the presentation you mentioned that your primary objection
24 was that the addition is 12 inches too far forward? If it
25 was pushed back what then the primary objection would go
26 away? Is that what you said?

1 MR. FINNERMAN: Well, let me give you a little
2 history along with my answer if I could, sir. We first
3 found out about this project when we got the first notice
4 for a hearing before this Commission. And at the time we
5 had to get the, you know, get the plans from, you know, I
6 can't remember if it was from the Commission or from the
7 Village.. Shortly thereafter Mrs. Gibson came over and
8 asked, you know, what our concerns were, you know, and what
9 we explained to her at the time was that, you know, from
10 looking at the plans it looked as though the plans were, you
11 know, were over the setback line. Which is only 7 feet in
12 the District.

13 And then we also talked a little bit about the
14 Beech tree which is one of the four trees in the back that
15 will survive. So, we thought that when they came back with
16 revised plans they would, you know, move it back far enough
17 to have the same level of architectural detail that's on
18 their original plan. Instead, they came back with just
19 cutting off all architectural detailing. And so, you know,
20 that's the history as to why we're here. We would not have
21 been here, you know, had they done that. So, now the tree
22 issue, quite frankly, is just something that we discovered
23 in the last week since we got the revised plans and the
24 notice for this hearing. And, you know, I just think that
25 that's something that, you know, hopefully somebody will
26 take into account as well because there's, you know, there's



1 quite a bit importance in the Chevy Chase Guidelines that
2 are associated with preserving the, you know, mature trees
3 in the area.

4 MR. FULLER: Other questions? Thank you.

5 MR. FINNERMAN: Thank you.

6 MR. FULLER: Will the applicants please come back.
7 Do you have any questions or any comments relative to the
8 previous speakers' presentations?

9 MR. GIBSON: Yes. First of all on the trees, we
10 have the approval of the Village. We had the Village
11 arborist come out. He looked at all the trees on the
12 property. We had a prior tree service do the same type of
13 thing a year before. We have adequate reports on the trees.
14 The arborist actually told us he wanted the Beech tree
15 taken down because it was unhealthy and we want to save it.
16 And they also told us that building the addition that we
17 need would require taking down 2 of the 12 trees on our
18 property. And we have the approval unanimously from the
19 Village to do that. It was a vote in the Council meeting a
20 couple of weeks ago.

21 MS. GIBSON: To remove two trees.

22 MR. GIBSON: To remove two of the trees.

23 MS. GIBSON: One which is already in decline and
24 the other which would be too close to the property to
25 survive should construction go forward because it's leaning
26 at a 23 angle over the house --

1 MR. LOCHNER: And actually I can add, the thing
2 Chevy Chase Village decided that this tree, that this site
3 is truly forested to the point where they cannot even add
4 one new tree coming out. And it's only demanding one
5 replacement tree for the two coming out which would be we
6 feel reflected in your photo that they basically have a lot
7 of trees and the pleasant thing to have. And we will work
8 with the arborist with this tree preservation plan to ensure
9 that any additional trees are not impacted by the
10 construction and so that the neighbors in the village can
11 enjoy them as much as the homeowners do.

12 MR. GIBSON: And on the whole business of
13 consultation, I mean we're not experts in historic
14 preservation. And we sought the advice of the staff. And
15 we didn't see anything wrong with that. Other people, I
16 mean from my understanding people coming here everyday
17 asking for advice or asking for, you know, different
18 recommendations and that's what we did, no question about
19 it. And we thought that that was a good thing. That we
20 could get it right. And we think we did get it right. No
21 design is perfect. And unfortunately, when we went at this
22 the first time, the packets, we were under the impression
23 that the packets were supposed to be delivered to all the
24 surrounding neighbors. And --

25 MS. GIBSON: But instead it's filed at the Chevy
26 Chase Village Hall. So neighbor or anybody who's

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1 interested, they can go down and look at the application
2 which I understand the Finnermans did. But nonetheless when
3 I received word that there was concern about our plans
4 initially, I walked over, introduced myself because even
5 though we had been there two years we had yet to meet. And
6 asked them what their concerns were. And they told us about
7 the overhang and I thought that that's what we would work
8 on. And never in our expectations we thought that we would
9 have to up and move a house 12 inches.

10 MR. GIBSON: And frankly, I mean, when they raised
11 the overhang issue we kind of thought, oh well, let's fix
12 it. And so we fixed it by taking the overhang on the side
13 of the house and cutting it back. Now, if we could have the
14 overhang we would have the overhang. But the fact is we
15 can't have the overhang and comply with the Village code.
16 And what the Commission has in front of it now is a plan
17 that more than, we believe, more than substantially complies
18 with the standards in the community and with how this house
19 should look from the, really the viewpoint of the street.
20 And they raised some issues about Magnolia Parkway view and
21 I mean I just drove my car down the street, I just drove my
22 car down the street and took pictures.

23 This is their driveway. The first picture is
24 their driveway and you might be able to see back behind this
25 tree right here. If you really look --

26 MS. OAKS: Mr. Gibson, I have that in our plan if

1 you want me to put it up.

2 MR. GIBSON: Yeah, go ahead. That would be great.
3 Let me back up a little. I mean our house is kind of right
4 here. Our house is, this is our chimney. Our house is on
5 the other side here. You can see our house right here maybe
6 if you look. And that's the third one. That's their
7 driveway. That's their driveway. So, I mean frankly I mean
8 these views are of a second building on their lot, the other
9 neighbor's drive, a lot of trees and I mean I just randomly
10 drove down the street and took pictures.

11 So, in terms of the view from Magnolia, there
12 really isn't a view from Magnolia to the back of our, I mean
13 you gotta, it's a 180 feet. It's more than half a football
14 field away from the street to the back of our house. And
15 between our house and their house is something like, you
16 know, 45 or 50 feet. This isn't a side yard, traditional
17 side yard. So, I mean to say that there's no, to say that
18 there's some sort of aspect from Magnolia that would
19 interrupt with, you know, how people view our house, I mean
20 they're not looking at the front of our house from Magnolia.

21 MR. FULLER: I think this is getting a little
22 beyond the answer to the question.

23 MR. GIBSON: All right, sorry.

24 MR. FULLER: Are there any other questions of the
25 applicant?

26 MS. GIBSON: We also have photographs of different

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1 houses with overhangs that are in Chevy Chase Village that
2 have complied and wanted you to look at those so that you
3 can see that ours are not too far from the norm of what's
4 being done in the Village.

5 MR. GIBSON: In particular you can look at the next
6 door neighbor's which is the second, which is the second
7 picture. The next door neighbor's house has an overhang on
8 the bottom and no overhang on the top, none. If you look at
9 the next slide, they have no overhang at all on the side.
10 If you go down a couple of other slides there's a really
11 good one here, you know, 8' or 10 slides in. See no overhang
12 on the bottom, no overhang at all on the bottom.

13 MS. GIBSON: That's across the street from us.

14 MR. GIBSON: That's across the street.

15 MS. GIBSON: Right next to us.

16 MR. GIBSON: Next door, no overhang on the top. No
17 overhang on the side next door. I mean the charac-- no
18 overhang at all and gutters on that and that's right across
19 the street. No overhangs in the front on the top. There's
20 all sorts of various styles here. No overhang at all on the
21 front. There's a metal roof. There was a question about
22 metal roofs. There's a nice metal roof with no overhang as
23 well. No overhang on the front of that house, just a
24 gutter. This is the best one. Because it has an overhang
25 and then the overhang juts back and on the back half of
26 that, on the back you know, third of that, there's no

1 overhang at all. It's flat. This one was just one that was
2 approved and built that had no overhang at all. I mean all
3 these we can put in, you can keep the pictures. It doesn't
4 matter to me.

5 This one on the side, see the gutter up there, no
6 overhang at all there. And there's overhangs on other parts
7 of the house. You can see that from the street even. All
8 right. You get the --

9 MR. FULLER: Point's taken. Thank you. Again, are
10 there other questions for the applicant? Is there
11 discussion from the Commission?

12 MR. DUFFY: I have a number of things I would like
13 to discuss. There seems to be some confusion about the
14 process. And I'd really like to move beyond especially the
15 process to the merits of this particular application. But
16 just in brief, ordinarily on a project like this we would
17 like to see a preliminary consultation. However, it's not
18 mandatory. And when the applicant chooses not to have a
19 preliminary consultation, the hearing of the historic area
20 work permit is the first opportunity for the public to
21 comment. That's the normal process. And I'd also like to
22 say it's almost part of the normal process for staff to
23 assist an applicant in the preparation of an application.
24 Having said that, I would have preferred that we had had a
25 preliminary consultation, that we talk about the things that
26 we just talked about then now. So it's not really a big

1 deal. So with that preface, I'd like to talk about my
2 thoughts about this application.

3 First of all, it's a fairly large addition, but in
4 the context of the neighborhood, it's working from a fairly
5 small house to something in the ballpark of what it's
6 neighboring. So I don't see a problem inherently with the
7 amount of space being added to the house. I think in
8 general it's a pretty good proposal ironically, perhaps.
9 What raises the most concern for me is the east elevation.
10 Regardless of anything that anyone else has brought up about
11 it, when I looked at it I like what you're doing with the
12 house. I think it's sensitive. I think it's making some
13 improvements where the past people may have added to the
14 house insensitively. So, I think there are a lot of
15 positives there.

16 The, and I would hope that the issues that I have,
17 I think they're pretty minor. And I think that they could
18 be fairly easily refined without significantly, you know,
19 negatively impacting what you're trying to do. I'm pretty
20 confident about that. If you look at the staff report the
21 drawings, circle 23 is the east foundation. And the second
22 floor plan is on circle 23. On the east elevation to the
23 right side there's a vertical line. It appears that that
24 surface is broken up into three distinct masses, but in a
25 floor plan that would not appear. I think that that
26 presents a fairly large flat plainer elevation that would be

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1 better if the massing were broken up slightly. If that line
2 did exist there. And it would perhaps about a 12 inch
3 offset shadow line, I think that would be preferable.

4 I think that, you know, the discussion of the
5 eaves, we looked at a number of images that are different
6 situations in my mind. It would be, I think this elevation
7 would be improved if it had, let me ask you. Has anyone
8 approached the Village to discuss a variance?

9 MR. GIBSON: The Village has its own process for
10 variance. And basically my understanding of it is you have
11 to be really denied before you can go for a variance. And
12 then there are certain standards related to the variance
13 that the applicant has to meet hardship, other things like
14 that. So what that process would hold for this situation
15 I'm unsure. But, I think there have been exploratory
16 discussions.

17 MR. DUFFY: Okay. Another aspect of the east
18 elevation perhaps you can clarify for me. The, I don't see
19 anything wrong with the metal roof where you show it.
20 However, the metal roof is hitting the gable and then it's
21 drawn as at the top as a straight line where it hits the
22 receiving roof to the right. In reality it wouldn't be a
23 straight line. Would it?

24 MR. LOCHNER: It may jot back there, that is
25 correct.

26 MR. DUFFY: And I think there is an inconsistency



1 with the stair --

2 MR. FULLER: This elevation plan, it doesn't show
3 up in the elevation. It's going to be a handrail or
4 something like that.

5 MR. DUFFY: If I look at the floor plan, circle 31
6 and 33 it seems to me that the types of things that would
7 improve the east elevation would basically require pushing
8 some of that east wing in about 12 inches. Looking at the
9 floor plans it seems to me that there's enough space that
10 that could --

11 MR. LOCHNER: Yeah, I, can I interject myself here?

12 MR. DUFFY: Sure.

13 MR. LOCHNER: I respectfully disagree, sir. The
14 main concern with the Gibsons in producing this design is to
15 retain as much of the original house, interior and exterior
16 for their pleasure. That the object for additions would not
17 include any reconstruction of the existing space as much as
18 humanly possible. The major impetus for the Gibsons was to
19 do a kitchen addition and to gain extra bathrooms and to
20 make a master suite where none was before. The kitchen is
21 on the right hand side on the east elevation. The bathrooms
22 are on the right hand side on the east elevation. That's
23 where all the plumbing is. There is no space to carve out
24 another bathroom somewhere else in the plan. If you take
25 off 12 inches of that east elevation you get away from the
26 bathroom and the master suite and turn it into a walk-in

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1 closet. That is not what is required in this house. So the
2 floor plan, the existing floor plan, existing mechanical
3 systems, existing status of the house helps determine what
4 those rooms are. You take 12 inches out of that bathroom,
5 it's an useable bathroom.

6 MR. DUFFY: Well, with all due respect, I'm an
7 architect also, and the kitchen is huge. The master suite
8 is huge. I could very easily take 12 inches out of this and
9 still meet the program and make it workable.

10 MR. LOCHNER: The kitchen sits on the existing
11 foundation wall, sir.

12 MR. DUFFY: What we're talking about is not the
13 existing foundation but how to make an elevation that would
14 be acceptable to the Historic Preservation Commission. I
15 think that this could improve and I don't think it would be
16 onerous or even difficult. And I think the east elevation
17 as its drawn right now is too blocky, too planar. There was
18 a little bit of a refinement which I would prefer to discuss
19 at a preliminary consultation. I think we would have
20 something that would be more acceptable. That's one
21 person's view.

22 MR. FULLER: I will note that the neighbors do want
23 to have an opportunity to rebut some of the comments that
24 were made earlier. I don't know if we want to finish our
25 discussions first or do you want to hear from the adjoining
26 neighbors and see, response to the questions so we'll be on

1 just purely response to questions. If you could give us a
2 few minutes for rebuttal from the neighbors.

3 MR. STRONGHAM: We have one observation and two,
4 three points. One that Mr. Duffy very accurately captured
5 our principal concerns. For that we appreciate and in fact
6 the clarity of the remarks. Beyond that the two issues we
7 have are with one, I understand that the Village of Chevy
8 Chase has authorized removal of the two trees. But, we're
9 talking about some foundation excavation work within 7 to 10
10 feet of 24 inch and 30 inch trees. And I just don't think
11 realistically there's any way that those other trees are
12 going to survive that. So that the result of that is when
13 you go to Magnolia Parkway and you see the views that are
14 currently there, you won't see anymore. You'll see a
15 monolithic wall that's been proposed and no more trees to
16 screen it. That is the sum and substance is the problem.
17 We agree wholeheartedly that there is a lovely view right
18 now. And we're very much concern that when you add a
19 plainer wall with no trees it's going to be a different
20 situation entirely.

21 And I should say this because there's some
22 questions about the variance. We tried very hard to follow
23 the what we understand to be the usual procedure here which
24 is to have the applicant get a variance first, if possible,
25 which we frankly would oppose. But in any event to get a
26 variance if they could, rather than do this backwards which

(63)

1 is to try to get a decision here and leverage from that
2 variance. But the Village wouldn't, the Village said
3 there's no request for a variance and here we are. We would
4 have rather waited and heard about a variance because we
5 think it would very well have mooted this whole process as
6 it currently exists. Thank you.

7 MR. FULLER: Other questions? Thank you. Gwen,
8 procedurally do we need to allow the applicant the
9 opportunity to rebut the rebuttal or can we just move into
10 deliberations?

11 MS. WRIGHT: I think you can just move into
12 deliberations unless there's a specific request for
13 rebuttal. Usually you only go through one round of
14 rebuttal.

15 MR. GIBSON: One quick point?

16 MR. FULLER: Sure.

17 MR. GIBSON: I mean the point is on the variance.
18 And in order to even apply for a variance you have to have
19 the historic approval to go to get a building permit. Then
20 you've got to be denied, then you go to a variance. And it
21 just takes kind of looking through the statute to figure
22 that out.

23 MR. FULLER: Thank you. Any other comments or
24 considerations, or are you ready for a motion?

25 MS. ALDERSON: Just one, I completely agree with
26 Commissioner Duffy. I think even if there's a real problem,

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1 even a six-inch notch in those walls is going to help,
2 normally and we look at different additions with rather
3 shallow eves, normally it is not visible at all from a
4 public right-of-way we provide readings there. And so some
5 of the facades are flatter where we determine it's not going
6 to be visible at all. If there's some visibility, just a
7 little bit additional scrutiny, in fact, there's some
8 visibility potentially greater visibility not just trees
9 died out of construction because trees sometimes just get
10 old and die. I would certainly support, I would make a
11 minor modification even if you want it 6 inch notch in the
12 wall which I think would increase the shadow line in depth
13 and allow for at least six inches at the -- to make a
14 tremendous difference in making the whole house as other
15 houses, I think the application is very strong, rectifying
16 some former insensitive alterations that bring the whole
17 composition together.

18 MS. OAKS: For the architects on staff -- it's been
19 a while since I've done framing plans. There is materials
20 that you can use now for installation that's a lot thinner.
21 And I know that there are certain things that you can do
22 well, like boards that you can do to thin things up a little
23 bit. Am I correct, and still meet the code? I'm just
24 trying to think of ways to try to trim that particular wall
25 down and still get your code compliance and still get your
26 reveal.

(65)

1 MR. FULLER: I think, I believe there are things
2 that can be done. I believe Commissioner Duffy said it
3 correctly that there's probably ways to do the floor on the
4 skin, but really our emphasis is what happens on the
5 outside. Gwen correct me if I'm wrong, but we have an
6 opportunity if we wanted to retain a vote for approval,
7 denial or continuance since this has been within the 45, two
8 week continuance would be so within the 45 day review
9 period.

10 MS. WRIGHT: I mean certainly yes, you can vote for
11 approval, approval of conditions or denial. You could ask
12 the applicant if they'd like to have you continue the case
13 which you can do without their agreement 'cause it's still
14 within the 45 days and come back at the very next meeting to
15 perhaps demonstrate how some of the Commissioners' concerns
16 could be incorporated into a new drawing. That's another
17 choice.

18 MR. FULLER: Sure.

19 MR. BURSTYN: What I am having difficulty here and
20 also I certainly appreciate Commissioner Duffy's remarks. I
21 certainly learned from them. Is that first of all looking
22 at the application to try to determine if we have not really
23 gone through the staff recommendations one at a time to
24 determine what we, to accept, what we don't accept and do we
25 have any changes, number one. And also we also need to keep
26 in mind that it is a, this property is a contributing

(We)

1 resource and so we are guided by the Chevy Chase Historic
2 Area guidelines which are laid out where in certain parts
3 are given strict scrutiny or moderate scrutiny, lenient
4 scrutiny so we apply different standards to different
5 aspects of the application. And so I think we have to try
6 to wed that and put that in mind.

7 And also I don't know if we should, if there's any
8 consensus here that we go through the staff recommendations
9 to see what we like or don't like or whether we even want to
10 add to them some other Commissioners or Commissioner Duffy's
11 recommendation to see if that reaches the proposal. Or are
12 we just too far short of this and we need to get them to --

13 MR. FULLER: So let's go down the line and each
14 Commissioner if you'd just give a brief overview as to
15 whether you think this is approvable and whether or not
16 there are any of the conditions that staff has written that
17 you think are either on target or off target.

18 MR. BURSTYN: Well, again, I mean I guess I would
19 defer to the architect on the motion with respect to the
20 various staff recommendations. Which now includes what Mr.
21 Duffy said that I think it's really premature to vote on
22 this up or down as it is. So, what I would do is kind of
23 defer or need further discussion.

24 MR. FULLER: So you don't see it as approvable from
25 this standpoint?

26 MR. BURSTYN: No.



1 MR. FLEMING: I second.

2 MR. FULLER: Thank you, it's not a motion.

3 MS. ANAHTAR: It looks like both the neighbors and
4 Commissioners have only concerns on the east elevation. And
5 the concerns about detailing, roof detailing, the part that
6 I don't understand is this. What, as far as I can see
7 they're not proposing any changes to existing roof on left
8 hand side. And they're just mirroring it on the other side.
9 So, they are replacing the roof? Are you replacing this
10 roof or not?

11 MR. GIBSON: No.

12 MS. ANAHTAR: Changing anything?

13 MR. GIBSON: The one on the left hand side stays.

14 MS. ANAHTAR: Stays, yes.

15 MR. GIBSON: As it is and we mirrored one --

16 MS. ANAHTAR: Exactly. So we cannot expect them to
17 bring different detailing on the right hand side. So I
18 don't have a major problem with that. But, I agree that the
19 little portion should go back for 12 inches at least. And
20 when I look at the foundation plan I don't think the kitchen
21 is, I mean kitchen is sitting on the existing foundation,
22 but it's only a crawl space. You're actually adding in the
23 basement and foundation wall goes beyond that. So I don't
24 think the major expense for you to just accommodate this
25 request and bring this little portion back a little bit to
26 create this scale effect.

1 My second concern is about this window here at
2 this, I find it very awkward at this location. So I think
3 if you could incorporate those into your design, this
4 window. I would like to see a line and job on the wall, I
5 think it should be 12 inches. Those are my concerns. If
6 you are agreeing to those changes then I think that would be
7 approvable.

8 MR. FULLER: Commissioner Alderson.

9 MS. ALDERSON: I think in view of the fact that a
10 preliminary was not sought on this in the long range an
11 addition of this scale where it seems a minor delay to
12 pursue the continuance which could be to everyone's benefit.
13 There's an opportunity to look at minor modifications to
14 the current view that would perhaps appease concerns, really
15 create the design and certainly make it more integral 360
16 degrees. We have even in Takoma Park which has similar
17 guidelines, similar requirements, ordinances, we have
18 sometimes on occasion, spent quite a bit of time refining a
19 rear facade where there is some disability to make a fully
20 integral project. And my belief is that it's worth
21 exploring that opportunity, you know, continue this.

22 MR. ROTENSTEIN: I'd like to join my other
23 Commissioners in recommending a continuance also. Again, a
24 project of this scale and scope and I feel it would have
25 gone through a preliminary consultation. And I think the
26 applicant and the other stakeholders in this proceeding have

(69)

1 benefitted and will benefit from the advice gotten from
2 staff but also from the architects on the Commission. And
3 it would be my recommendation at this point to defer a vote
4 until the applicant has an opportunity to review the
5 recommendations made and address some of the concerns that
6 we've articulated.

7 MR. DUFFY: I just had one final comment which is
8 I'd like to reiterate that on balance I think it is a good
9 application. In my view I think the issues that we're
10 bringing up that we're requesting be revisited and refined.
11 Overall I think they're relatively minor. And they're
12 substantial enough for all of us to be saying we'd like a
13 continuance. But I think in my view if those items were
14 addressed I would find the application otherwise approvable.

15 MR. FULLER: I'd echo my fellow Commissioners
16 comments with the additional specific comments that I think
17 this plan really warrants a site plan or at least site
18 improvement shown on the first floor. They have to assume
19 there's some kind of walks and other things coming out of
20 the house that aren't shown and that you're not getting
21 approval for. I would echo the comments about a roof plan
22 would be very useful to be able to understand what's going
23 on and then a correction of the east elevation to pick up
24 what's really there.

25 So, I think that you're hearing that if we vote on
26 this as a up or down vote today you will probably get a

1 denial. So, I think we would like to go towards continuance
2 and have you come back in two weeks. But, if you want to
3 tell us to go for a vote, we can go the other direction.
4 Could I have a motion for a continuance?

5 MR. DUFFY: I move that we continue.

6 MS. ALDERSON: I'll second it.

7 MR. FULLER: All in favor? Any discussion I should
8 ask first? All in favor? Continuance is passed
9 unanimously. Thank you.

10 Next case this evening is Case K at 9723 Capitol
11 View Avenue. Do we have a staff report?

12 MS. FOTHERGILL: We do. As you'll recall, we had a
13 staff report the last meeting, September 13th meeting,
14 sorry, not the last meeting. And the case was continued
15 because the applicant was not present. So there was a staff
16 report and some comments from the Commissioners. And those
17 are in your packet, circles 25 through 30.

18 This is a retroactive case for 9723 Capitol View
19 Avenue which is a contributing resource in the Capitol View
20 Park Historic District. And the applicant has made some
21 alterations to the property and the house without the
22 approval from the HPC and historic area work permit. And
23 violations have been issued and so now we are looking at a
24 retroactive approval request for background. This is the
25 house at 9723 Capitol View. And in December of last year,
26 the applicant down 13 trees and neighbors did call it in and

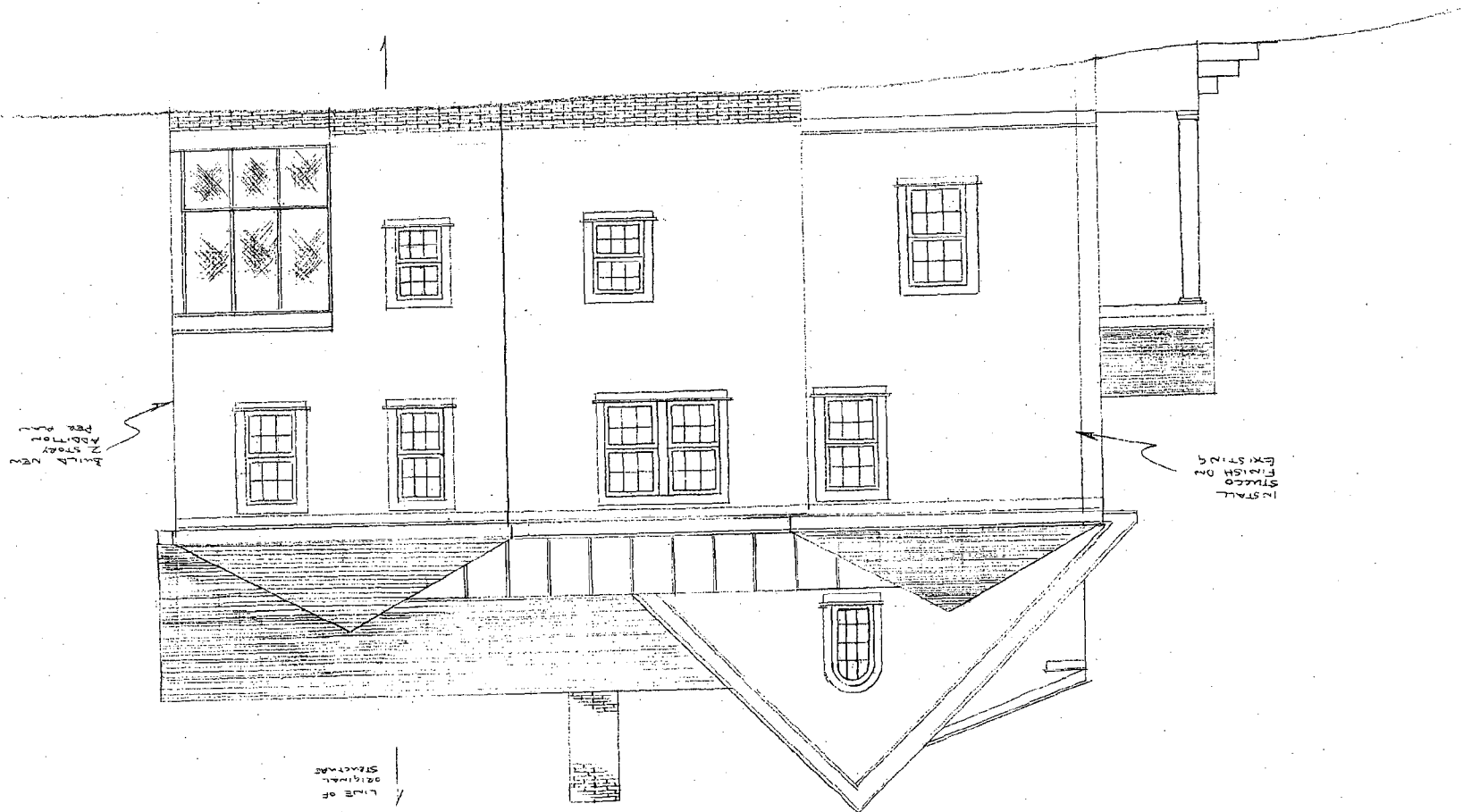
212

DRAWINGS FROM 10/25 MTG

Page 17 of 17

Scale 1/8" = 1'

Proposed East Elevation



EXISTING PHOTO

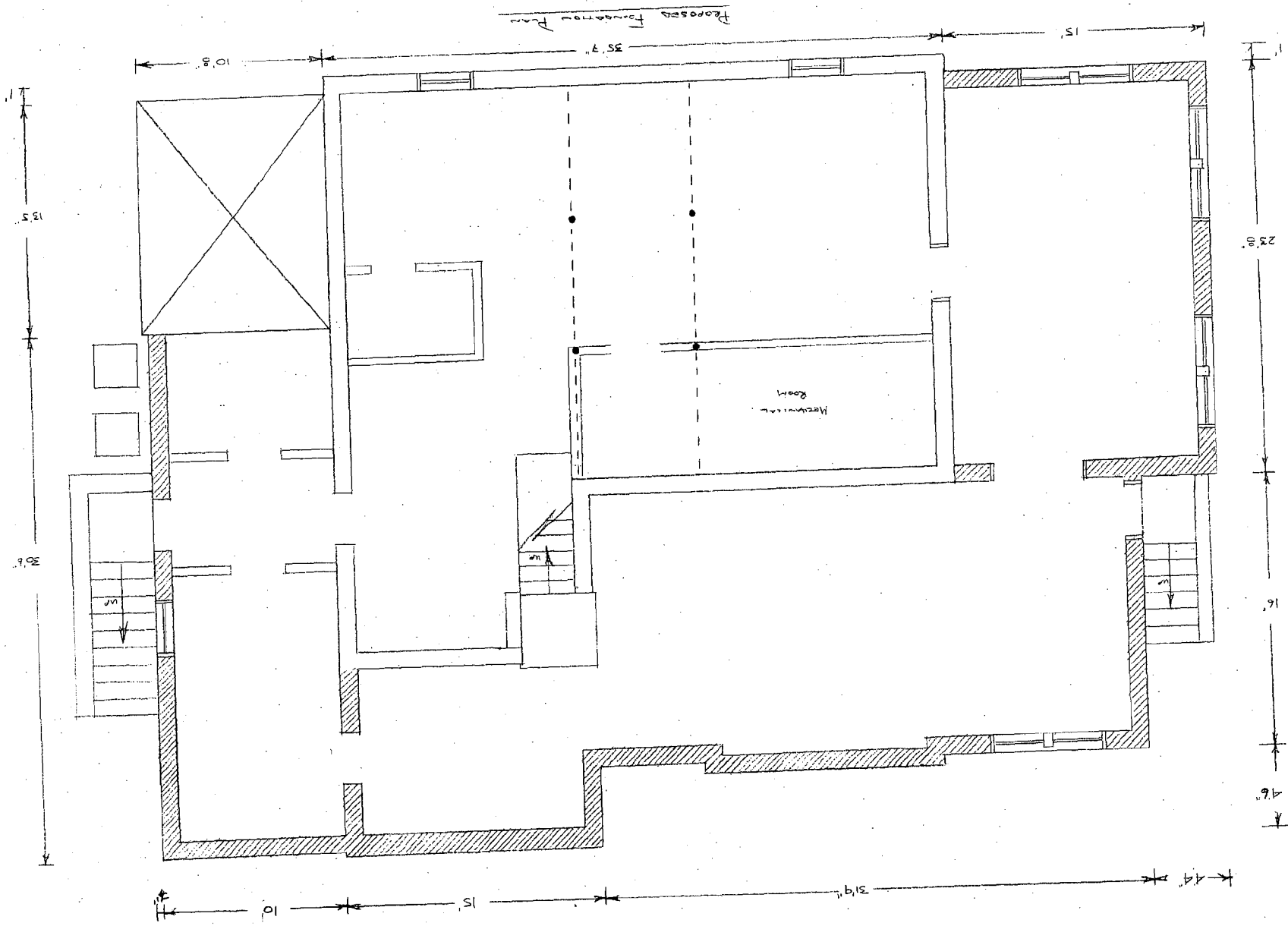
EXISTING STAIRS FINISH ON EXISTING

LINE OF ORIGINAL STRUCTURE

44

DRAWINGS FROM 10/25 MTG

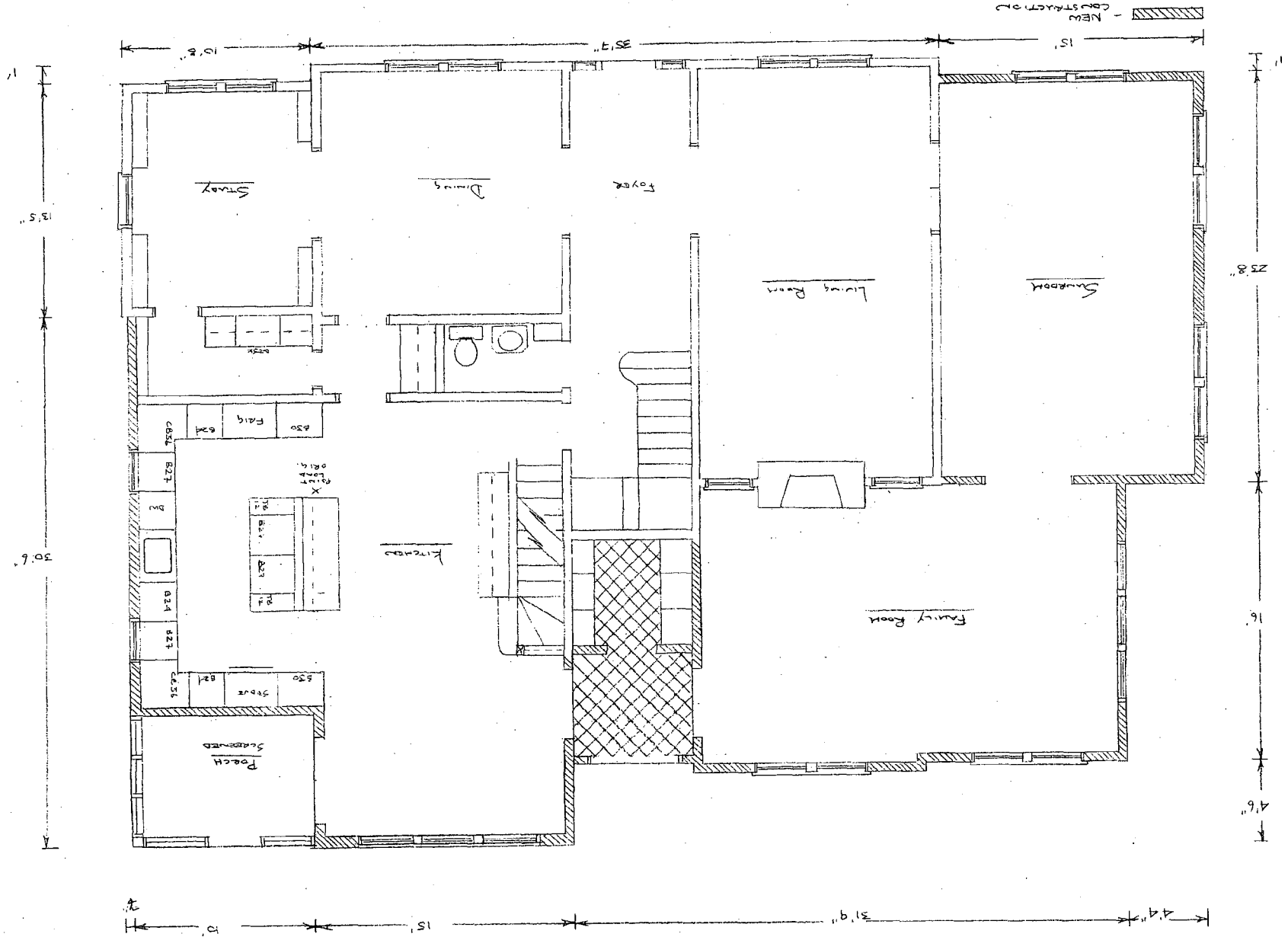
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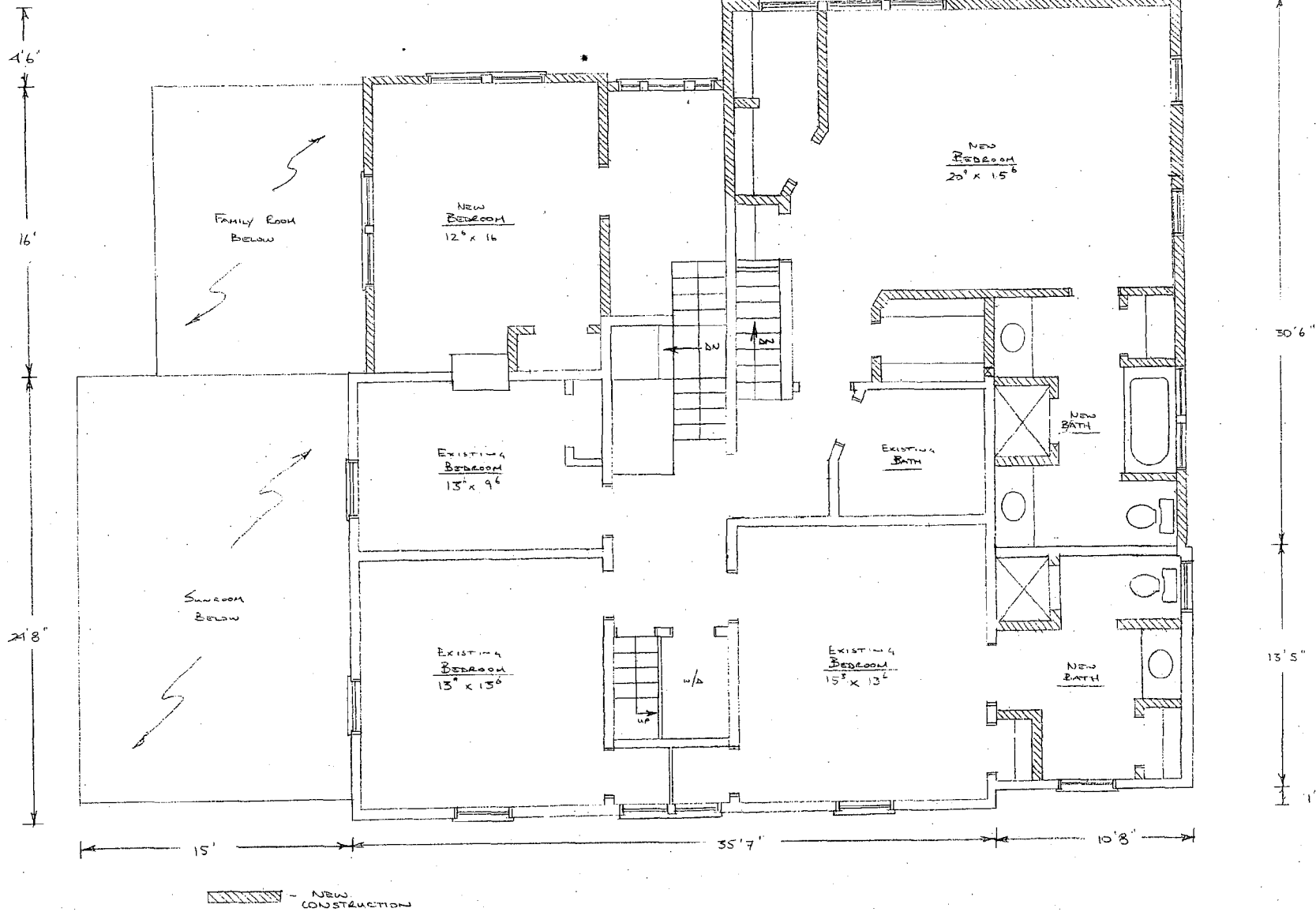


PROPOSED FIRST FLOOR

DRAWINGS FROM 10/25 MTG

Scale 1/4" = 1'





PROPOSED SECOND FLOOR

Page 9 of 17

DRAWINGS FROM 10/25 MTG

Scale 1/4" = 1'



CASE NO. A-1582 (a) and (b)
Appeal of Mr. and Mrs. Duane Gibson
(Hearing held October 9, 2006)

DECISION OF THE BOARD OF MANAGERS

Summary of Case

This proceeding is an appeal pursuant to Section 17-4 of the Chevy Chase Village Code. The applicants seek permission to remove one Spanish Oak tree measuring 33.5 inches in diameter (A-1582(a)) and one White Oak tree measuring 24.5 inches in diameter (A-1582(b)) from the rear yard of their property to accommodate a proposed addition. The Village Manager denied the application finding that none of the conditions described in Section 17-3 of the Urban Forest Ordinance apply.

This application is filed pursuant to the provisions of Section 17-4 which provide:

(a) An applicant who is denied a permit by the Village Manager may appeal the Manager's decision to the Board of Managers in writing within ten (10) days of the Village Manager's denial of the application for a permit.

(b) The Board of Managers shall have the authority to permit the removal or destruction of a tree or the undertaking of any action that will substantially impair the health or growth of a tree if, after a public hearing, the Board finds that such removal, destruction or other action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted

without substantial impairment of the purpose and intent of this Ordinance.

The subject property is Lot 17 and Part of Lot 1, Block 32, in the "Chevy Chase, Section 2" subdivision, also known as 23 West Irving Street, Chevy Chase, Maryland 20815, in the R-60 zone. Notice of the hearing in this matter was posted at the Village Hall and on the property and was mailed to all abutting property owners on September 28, 2006.

Summary of Evidence

The applicants submitted an application and a letter explaining the basis for their request. A tree inspection report, prepared by the Village Arborist, was submitted for the record. A photograph taken by Village staff showing the appearance and location of the trees was entered into the record of this matter.

The applicants' letter in support of the application included the following representations.

Our position is that tree #1, a large Spanish oak, should be removed from our property because it is leaning over most of our house at a 20 degree angle. In addition, the tree is *only five feet away from our home*. Its location causes a hazard to the safety of our family, neighbors, and property, for in the event of winds or any natural occurrences, its massive limbs and trunk would land on our roof and cause significant damage and injury. The rooms underneath the bulk of the biggest limbs are our children's bedrooms. Furthermore, the tree is a hazard that threatens injury to our property and possibly our neighbor's property, as it was not pruned or maintained over the years before we purchased the property.

Tree #1 should be removed because if our construction plans are approved (thus far the staff of Montgomery County Historic Preservation Commission has recommended approval of our project—and removal of the trees—in their Staff Report dated September 6, 2006) the tree would be too close to the construction, and its roots would be weakened from all sides of the already significantly leaning tree. Furthermore, the arborist concluded in his report that the tree is "very close to construction. Tree leans over house [and] under present plan tree should be removed." See Attachment A.

Tree #2, a white oak, also should be removed because it is in decline and stands very close to our home—within seventeen feet. Some of its limbs extend over our roof and slate patio. According to a Bartlett Tree & Shrub Care Proposal dated June 24, 2005, attached hereto as Attachment B, the tree expert indicated that the white oak was in "moderate decline." The Chevy Chase arborist indicated in his report that the health of the tree was "fair." See Attachment A. Furthermore he stated, "[t]ree has to be removed if present plan is not changed." Id.

We also have seen an increase in the number of dead limbs that have fallen from that tree, despite having professionally pruned it for dead limbs in September of 2005, and we see two-inch wide rotted sticks falling from that tree on a fairly regular basis. Left standing as such, this tree presents a significant hazard to our family and property. In fact, we had an *eight-inch wide limb fall* last year and land within a foot of our youngest child, who was playing [in] the back yard at the time.

Reason under Section 17-6(e)

Should the CCV Board grant us our permits to remove trees #1 and #2, we will work with the CCV arborist on a reforestation plan that includes replacement of both trees subsequent to construction. For each tree removed, we will, at a minimum, plant trees from Montgomery County's native species list (a minimum of 3" caliper deciduous or 6' high evergreen or

whatever the arborist may deem acceptable that we conclude is appropriate) to re-forest our property in keeping with the beautiful landscape of Chevy Chase Village.

Reasons under Section 17-6(b)

While we are fortunate to have ten large, old hardwood trees (nine of which are in our back yard) on our property, the canopy is quite overcrowded. Tree[s] #1 and #2 to [sic] diminish significantly the light available to properly balance growth of the other trees on the property. With nine large trees in our back yard, it is appropriate to remove these two to better preserve the other trees. With expanded space, the remaining trees will grow new limbs, become better balanced and hopefully last longer.

Reasons under Section 17-6(d) and 17-6(f)

Removing both trees is necessary to achieve the proposed construction for which there is no reasonable alternative. We have worked for over a year to carefully plan reconfiguration of our 1914 house in a manner that respects the historic integrity of the original structure, removing out of character, lesser quality, haphazard additions to the house by prior owners. We configured the additions in the only way to maintain flow and circulation blending the updated and original space. Without the removal of the trees, we still would not be able to get to our kitchen from our living room, and instead have to back track through the living room, hallway, and dining room to get to the kitchen. Because the two trees are closest to the current house, there was no alternative but to plan the space requirements toward the trees. We actually minimized the need to remove additional trees by keeping the east rear kitchen addition close to the current porch footprint to avoid removal of two additional exceptional trees. The overall plan, when completed, will greatly improve the property and enhance the neighborhood, but removal of the trees is required to begin the approval of the plan.

If the permit for the removal is denied, it will create hardship for us because we have spent almost a year on devising a plan to update and improve the flow of our home in a manner that is respectful to the historic nature of our neighborhood with an eye toward keeping as many trees on our lot as is possible.

The applicants submitted a report from Bartlett Tree Experts confirming that the White Oak tree "is in moderate decline".

At the hearing, Mr. Gibson appeared and testified that the applicants' property is within the Historic District. He reported that the applicants and their design builder have worked to comply with historic preservation requirements. These requirements led to the plans to construct an addition in the location shown in the application.

Mr. Gibson testified that the applicants have approximately a dozen trees on their property. He stated that the proposed addition will interfere with the roots of the trees proposed for removal. He stated that the applicants propose to plant two replacement trees.

Bob Elliott, of the Village Tree Committee, noted that the Village arborist, Bill Dunn, agrees that the construction would require the removal of the Spanish Oak and White Oak trees. He reported that the Tree Committee concurs with Mr. Dunn. Mr. Elliott indicated that there is a question as to whether there is room to plant more than one new tree. He

explained that the extensive canopy on the subject property may interfere with the growth of a smaller tree.

George Kinter, also a member of the Village Tree Committee, recommended that the Board require only one replacement tree.

Ms. Marea H. Grant of 16 West Irving Street, submitted an e-mail in opposition to the application. She stated that she is opposed to "cutting trees down simply because they get in the way of a resident's plans for remodeling or expansion." She asserted that the applicants' trees are healthy and that it will take a long time before a reforestation tree provides the same canopy as the existing trees.

No other testimony in support or in opposition to the application was received.

Findings of Fact

The Board has considered the factors set forth in Section 17-6 of the Urban Forest Ordinance and makes the following findings.

Sec. 17-6(a) Criteria specified in Section 17-3.

There is no evidence to support the conclusion that the subject trees are seriously diseased or dying. Although there is evidence that a branch has fallen from one of the trees and that some branches hang over the house, there is insufficient evidence to find that the trees constitute a hazard to the safety or health of persons, property or other trees.

Sec. 17-6(b) The reasons cited by the applicant for wanting to remove or destroy the tree.

The applicants propose to remove the trees to construct an addition. The proposed addition would comply with the Village setback requirements and, according to Mr. Gibson, has been designed to comply with historic preservation requirements.

Sec. 17-6(c) The reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the permit.

Although Ms. Grant opposes the application, her opposition is based upon the general principle of preserving canopy trees whenever possible. The Board finds that there are numerous other canopy trees on the subject property and that these trees will be preserved by the applicants. The Village Tree Committee concurs with the proposed removal. The Tree Committee's recommendation is based on the declining health of the White Oak tree and their observation that it would be impossible to construct any addition to the rear of the house without impacting trees due to their number and positioning in the back yard.

Sec. 17-6(d) Whether tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, and the extent to which there is no reasonable alternative.

Based on the evidence of record, including, but not limited to the applicants' representations, the report submitted by the Village arborist, the report submitted by

Bartlett Tree Experts and the testimony by two members of the Village Tree Committee, the Board finds that removal of the Spanish Oak tree and White Oak tree is necessary to construct the proposed addition which is otherwise permitted under the Village Code. The Board further finds that the location of the addition complies with the Village Building Code and the addition cannot be constructed in a location that would allow preservation of the trees proposed for removal. Thus, if the applicants are to construct the proposed addition there is no reasonable alternative to the removal of the Spanish Oak and White Oak trees.

Sec. 17-6(e) Whether the applicant proposes reforestation.

→ The applicants proposed reforestation with two new trees. The Village Tree Committee recommended that only one reforestation tree be required as it is uncertain whether there is adequate room for two reforestation trees. The Board concurs with the Village Tree Committee's recommendation.

Sec. 17-6(f) Hardship to the applicant if a permit for the requested action is denied.

The applicants have gone to considerable lengths to design an addition that complies with the Village Code and historic preservation requirements. Also, the applicants propose to maintain all other canopy trees on the subject property and to reforest. Requiring the applicants to forego an addition that is otherwise in full compliance with Village and County ordinances in an attempt to save two trees, at least

one of which is in declining condition, where there are several other mature canopy trees on the subject property, would impose a hardship on the applicants without any counterbalancing benefit to the public.

Sec. 17-6(g) The desirability of preserving a tree by reason of its age, size or outstanding qualities, including uniqueness, rarity or species specimen.

Although the trees are mature and substantial in size, the White Oak is in declining condition. The Board finds that, given all of the facts and circumstances of this case, the trees do not have outstanding qualities such that preservation of the trees is required.

Sec. 17-6(h) Such other relevant matters as will promote fairness and justice in deciding the particular case.

Taking all of the foregoing findings into consideration, with the reforestation agreed to by the applicants, the Board finds that the removal of the Spanish Oak tree and White Oak tree would not materially impair the purposes of the Village Urban Forest Ordinance.

Conclusions

Based upon the testimony and evidence of record, the Board finds that the removal of the 33.5-inch diameter Spanish Oak tree and 24.5-inch diameter White Oak tree would not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of the Village Urban Forest Ordinance, provided that the applicants

comply with the conditions set forth in the following paragraph.

Accordingly, the request for a permit to remove a 33.5-inch diameter Spanish Oak tree and 24.5-inch diameter White Oak tree is granted, subject to the following conditions:

1. the trees shall not be removed until the applicants obtain all necessary building permits for the construction of the new addition substantially in accordance with the site plan submitted for the record;

2. the trees must be removed on or before October 10, 2007, or this permit shall become void;

3. the applicants must reforest with at least 1 deciduous hardwood tree, which must be at least 2 ½ inches in caliper at the time of installation and must be of a species that achieves a mature height of at least 45 feet; and

4. the installation of the reforestation tree shall be completed on or before October 10, 2007, and such tree shall be considered a reforestation tree subject to regulation under the Village Urban Forest Ordinance.

Resolution

The Chevy Chase Village Board of Managers hereby adopts the following Resolution:

BE IT RESOLVED by the Board of Managers of Chevy Chase Village that the Decision stated above be adopted as the decision required by Section 17-5(b) of the Chevy Chase Village Code, and the Village Manager be and he is hereby authorized and directed to issue a

permit for the removal of a 33.5-inch diameter Spanish Oak tree and 24.5-inch diameter White Oak tree upon the conditions, terms and restrictions set forth above.

The foregoing Resolution was adopted by the Chevy Chase Village Board of Managers with the following members voting in favor of the Resolution: Susie Eig, Gail Feldman, Robert Jones, Douglas B. Kamerow, Betsy Stephens, David L. Winstead and Peter Yeo.

I HEREBY CERTIFY that the foregoing Decision and Resolution were approved and adopted by the Chevy Chase Village Board of Managers on this _____ day of October, 2006.

Susie Eig, Secretary
Board of Managers

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THE MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION

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HISTORIC AREA WORK PERMIT - : HPC Case No. 35/15-05Y
3 Grafton Street : :
: :
----- X
: :
HISTORIC AREA WORK PERMIT - : HPC Case No. 13/10-06C
23341 Frederick Road : :
: :
----- X
: :
HISTORIC AREA WORK PERMIT - : HPC Case No. 35/13-06EE
19 Grafton Street : :
: :
----- X
: :
HISTORIC AREA WORK PERMIT - : HPC Case No. 37/03-06CCC
35 Columbia Avenue : :
: :
----- X
: :
HISTORIC AREA WORK PERMIT - : HPC Case No. 23/65-06B
200 Market Street : :
: :
----- X
: :
HISTORIC AREA WORK PERMIT - : HPC Case No. 37/07-060
3109 Lee Street : :
: :
----- X
: :
HISTORIC AREA WORK PERMIT - : HPC Case No. 37/03-06DDD
6921 Laurel Avenue : :
: :
----- X
: :
HISTORIC AREA WORK PERMIT - : HPC Case No. 37/03-06EEE
7400 Maple Avenue : :
: :
----- X
: :
HISTORIC AREA WORK PERMIT - : HPC Case No. 30/13-06H
10912 Montrose Avenue : :

----- X
Deposition Services, Inc.
6245 Executive Boulevard
Rockville, MD 20852
Tel: (301) 881-3344 Fax: (301) 881-3338
info@DepositionServices.com www.DepositionServices.com

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HISTORIC AREA WORK PERMIT - : HPC Case No. 35/13/06DD
23 West Irving Street :
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----- X
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HISTORIC AREA WORK PERMIT - : HPC Case No. 31/07-06K
9723 Capitol View Avenue :
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----- X
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PRELIMINARY CONSULTATION - :
37 West Lenox Street :
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----- X

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A meeting in the above-entitled matter was held on October 25, 2006, commencing at 7:32 p.m., in the MRO Auditorium at 8787 Georgia Avenue, Silver Spring, Maryland 20910, before:

ACTING COMMISSION CHAIRMAN

Jeff Fuller

COMMISSION MEMBERS

Timothy Duffy
Warren Fleming
Caroline Alderson
Nuray Anahtar
David Rotenstein

1 MR. KADER: He won't be able to --

2 MS. ANAHTAR: Well, that would start some maybe
3 conversation.

4 MR. FULLER: Is there any other discussion?

5 MR. KADER: He build the fence so I won't step on
6 his driveway.

7 MR. FULLER: Is there any other discussion? We
8 have a motion on the table for continuance. All in favor
9 raise your right hand. All opposed? The Chair abstains.
10 Motion passes. Continuance.

11 MS. SHYKER: Thank you.

12 MR. KADER: Thank you.

13 MR. FULLER: Thank you. Okay. The next case
14 tonight is Case D at 23 West Irving Street, Chevy Chase. Do
15 we have a staff report?

16 MS. OAKS: Are you ready for the staff report?

17 MR. FULLER: Please.

18 MS. OAKS: 23 West Irving Street in Chevy Chase is
19 a contributing resource within the Chevy Chase Village
20 Historic District. The applicant this evening is proposing
21 to put a couple of additions on their subject resource.
22 They're proposing to demolish an existing one-story non
23 contributing shed roof addition which protrudes on the rear
24 section of the east elevation of the house and to construct
25 a new two-story addition in the same location.

1 They're also proposing to demolish an existing
2 one-story non contributing shed roof addition which
3 protrudes from the west elevation of the house and construct
4 a new one-story flat roof addition along the west elevation.

5 They're also proposing to construct a new one-story shed
6 roof addition protruding from the rear section of this one-
7 story flat roof addition being built along the west
8 elevation of the house. They're also proposing to extend
9 existing two-story rear L 11 feet into the rear yard.
10 They're proposing to match the detail including stucco and
11 the cornice detailing which includes large returns and the
12 reuse of the gable windows, of the gable window.

13 MS. WRIGHT: If we could take just a minute. We
14 accidentally I think have set off an alarm and we need to
15 get that alarm reset.

16 (Whereupon, a brief recess was taking.)

17 MS. OAKS: Sorry about that. I believe I was
18 talking about the two-story rear L. And they're also
19 proposing to construct a new 13 foot wide by 16 foot long
20 two-story rear elevation. This addition will match the
21 detail and materials on the existing L. Part of this
22 proposal is also to remove two of the trees for the new
23 construction.

24 Just to orient you to this site, the subject
25 resource is here, the contributing resource. You'll note

1 the spacing in the neighborhood on the street. Rear view,
2 the neighbors. And this is the subject resource. This is a
3 good view of the backyard where the proposed additions will
4 be. And this is where the one-story addition will be
5 placed. And then there's also another one-story extension
6 here and another really good view of that, and the L. And
7 that's an extension here. Extension here. Extension here.
8 Further view, kind of streetscape. Also a really good view
9 of that as well and how much open space and the sizes of
10 these houses and an aerial view.

11 Staff is recommending approval with the conditions
12 on circle 1. We, these are standard conditions regarding
13 materials, the windows, the wood, similar, the extra
14 detailing, the turned out wood, the proposed stucco. And
15 then of course dealing with the permit and then the
16 applicant has been to the Chevy Chase Village to get initial
17 review of the project and that information was in your staff
18 report. And this current proposal does meet their codes and
19 they have seen preliminary approval for the removal of those
20 trees. And for that reason we are requesting that for every
21 tree removed that there be one tree from our native species
22 list be planted.

23 And I did note that there is some concern about an
24 overhanging detail and they did some modification to that to
25 comply with a side yard setback. And that's on the side

1 elevation on that side here, the right side. And the
2 current proposal does meet that side yard setback. And I
3 did want to make a note in the staff recommendation on the
4 last condition that this proposal we believe is approvable
5 but, if they do decide to go for a variance to modify that
6 design, Chevy Chase as you know, they look at everything,
7 the eaves and everything in terms of their setback. If they
8 do decide to go for a variance to modify those eaves that
9 would, we certainly would support that and stamp drawings if
10 they make that modification, if they do receive that
11 variance.

12 And the applicants and their architect are here
13 this evening and I'll be happy to answer any questions you
14 might have.

15 MR. FULLER: Are there questions?

16 MS. OAKS: Oh, I'm sorry. I do want to enter into
17 the record all the correspondence that you received as well
18 as the LAP that did provide comments and was part of the
19 record you received tonight and they were in favor of the
20 staff report.

21 MR. FULLER: Thank you. Are there questions for
22 staff? Would the applicant please come forward. Welcome.
23 If you'd state your names and give us your comments on the
24 staff report and make your own presentation.

25 MS. GIBSON: Good evening, I' Paula Gibson.

1 MR. GIBSON: And I'm Duane Gibson.

2 MR. LOCHNER: Paul Lochner, agent.

3 MR. GIBSON: Mr. Chairman and members of the
4 Commission, we hope that with the local report from the
5 Chevy Chase Historic Society and with the staff report that
6 this wouldn't be controversial. But, I think we've been
7 working at this for about a year. It's been an iterative
8 process for us. We've examined scores of permutations of
9 how to plan and lay out our house and how to respect the
10 outside of the original house and structure and materials
11 and that type of thing. Over that year we made multiple
12 changes in the design. We made multiple changes in the
13 layout and we think we've arrived at a product that both
14 meets our needs as a young family and that meets the needs
15 of, the needs and standards of the community and the
16 historic nature of our town.

17 We worked with what we had. In other words, where
18 it was located and what the structure was. It is a 1914
19 stucco Colonial and it's located on the far east side of a
20 rather large lot. We can't pick up the house and move it
21 and so we planned around the situation that presented. The
22 house had multiple additions over a number of years. They
23 were rather, the additions were rather different, all of
24 them. It amounts to basically a hodgepodge and the
25 hodgepodge is not something that's too aesthetically

1 pleasing to look at when you walk by. Now, we bought the
2 house knowing this and we bought the house with an intention
3 a couple of years ago to make some alterations and to ensure
4 that it would be a house that we could live in for the next
5 20 years and it would be a house that would be nice to look
6 at on the outside. There were some key things that were,
7 that we looked at when we did the plan. And one of which
8 was to try to maintain as much space as we could outside.
9 We have a number of trees. We're fortunate to have a dozen
10 very large trees half as big a round as this table, some of
11 them. And we like that. And when we planned this we tried
12 to plan around the trees and a couple of the trees are going
13 to have to come down and we've received approval unanimously
14 from the Chevy Chase Village to take the trees down. The
15 two that would be needed to be taken down to accommodate
16 this addition.

17 We tried to at least leave things where they were,
18 basic things, you know, hallways and stairs. And we tried
19 to put the new space where it needed to be without making
20 this house a mansion, per se. There are larger houses
21 around us, all around us. And our house wouldn't be nearly
22 as large as those houses, nor would the lot coverage be as
23 much as most of the houses. Our lot coverage is modest at,
24 you know, 20 some percent if you include the shed, well
25 below what the standards are.

1 What I'm basically telling you here, we approached
2 the whole situation with the central question of how do we
3 protect and preserve our historic house and get rid of some
4 of the junk that was built on over the years. And we think
5 we kind of came up with a good product. We preserved the
6 front facade of the original dwelling. We saved the street
7 view along West Irving and mind you, that is the only public
8 right-of-way that borders our house. Between our house and
9 other streets there are very large lots, very large houses,
10 and very large secondary units, some of them are dwelling
11 units. You have two dwelling units basically on a lot. So
12 we took away the mish mash aluminum siding and we had four
13 inch on one side, three inch on one side, one vinyl, one's
14 not. That would be gone. We've replaced it with a stucco
15 finish and I might add on the east side of the house, the
16 stucco finish, it's a large area and stucco is very
17 expensive. I mean I'm not a multi-millionaire, but I'm
18 going to pay a lot of money for this stucco in order to make
19 the house look nice.

20 We preserved the right front gable. We preserved
21 the end gables. We were sensitive to the proportioning of
22 the house on the outside trying to make sure that everything
23 was, everything was somewhat balanced. And we tried to make
24 as little overall alteration of the house as possible. We
25 think that we in the whole process we were respectful to the

1 house. We were respectful to the neighbors and we were
2 respectful to the advice that we got from our designer and
3 from the research that my wife, Paula, did and from the
4 staff here when we had some informal consultations to try to
5 figure out how to best do this, this project. So,
6 importantly, our design is appropriate to consistent with
7 and enhancement of the underlying historical structure. And
8 that was what guided us through the whole process. We
9 really would like to protect the architectural integrity of
10 the original structure and we'd like to add to it in ways
11 that are somewhat distinguishing from the original
12 structure, but also consistent with the spirit of the house
13 and to make it functional for our family.

14 I think there are a number of criteria in your
15 regulations that we would qualify for for you to approve our
16 design. Paul Lochner is here to answer any questions on
17 some of the technical things or, you know, why we had to
18 leave certain walls where they were and that type of thing.
19 But, we appreciate you considering this and I hope I haven't
20 taken too much of your time.

21 MR. FULLER: Are there questions for the applicant
22 at this time? I'd ask that you sit back down. We have a
23 number of other speakers. We'll let them talk and bring you
24 back up. We'd like to start with John Finnerman.

25 MR. FINNERMAN: Good evening and thank you very

1 much for taking the time to hear. Again my name is John
2 Finnerman. My wife Catherine and I live next door to the
3 Gibsons. And we've made a written submission and hope that
4 each of you will have a chance to take a look at it.

5 We don't enjoy being here, and in fact, we
6 wouldn't be here opposing the Gibsons plan to expand their
7 house if only they'd agree to move the new portion of the
8 east wing back far enough, and I think we're literally
9 talking about 12 inches so that it would allow two things.
10 You know, appropriate architectural detailing on that side
11 of the house including eaves and to stay consistent with the
12 setback requirements of the Village code. And we actually
13 thought that that's what they had agreed to do based on a
14 prior conversation that we had with them, but, apparently
15 not.

16 Where they chose to cure the problem of setback
17 was to chop the eaves off. And so we're concerned that
18 they're trying to solve one problem, but then they create
19 another for the Village. So we don't view this again, we're
20 not opposed to having them put an addition on, we just think
21 it ought to meet both standards of, you know, the historic
22 preservation and, you know, the Village setback
23 requirements. And, you know, so again, I think it's denying
24 them a right to add to their house, but really just striking
25 the right balance between adding their own personal space

1 which I have sympathy for but also and also, you know,
2 contributing to the character of Chevy Chase.

3 We've brought a few exhibits. I think this also
4 shows the location of the house which is the one that has
5 the hatch marks on it which shows the proposed addition.
6 And you can see that it's because of the angle of Magnolia
7 Parkway, despite the fact that their property doesn't abut
8 Magnolia Parkway, there are views for the rest of the
9 community multiple places along the parkway and actually
10 even from West Kirke Street to both the east side of the
11 house, in other words borders our property as well as the
12 north side of the house.

13 I should put the second exhibit up. This is
14 actually a rendering of what the east side will look like
15 from Magnolia Parkway through our courtyard and yard.
16 That's our house on the top to the left hand side.

17 MR. FULLER: You have 30 seconds left so if you
18 could sum up --

19 MR. FINNERMAN: Okay.

20 MR. FULLER: -- your presentation.

21 MR. FINNERMAN: Okay. You know my, pardon me?

22 MR. STRONGHAM: Are we permitted to cede time?

23 UNIDENTIFIED VOICE: Yes, you can.

24 MR. STRONGHAM: Sorry. We have 15 minutes total,
25 five people here to speak.

1 MR. FULLER: That's fine.

2 MR. STRONGHAM: Thank you.

3 MR. FINNERMAN: So this here is the view through,
4 from Magnolia Parkway through to the and what the addition
5 will look like. And you can see that the, you know,
6 essentially because of the stripping of the architectural
7 details it's just kind of a flat wall that people will see
8 from the Village. No eaves, no shutters, no columns, no
9 trim, no need for depth at all to this side of the house.

10 If you'd put up the third exhibit, please. This
11 actually is a rendering of what each of the sides of the
12 proposed addition will look like. And again, you can see
13 where there is, you know, appropriate architectural
14 detailing on the other three sides of the house. Again, on
15 each side, you know, what we'll be seeing from Magnolia
16 Parkway is just a flat structure. And while I believe there
17 are eaves on that first 13 feet of the 44 foot side view.
18 There are no eaves or any other architectural detailing to
19 add depth at all on the remaining 30 plus feet.

20 As I said, there are views from Magnolia Parkway.
21 We've included some pictures within the materials that we
22 submitted and we prefer each of those. As we kind of looked
23 at this the last couple of days I think there's another
24 issue that's come up, too, which is that there are a number
25 of trees on their property in the back as Mr. Gibson said.

1 And you know, I think in addition to the two that are like,
2 that they've already gotten permission to come down, there
3 are probably at least four more. There's an arborist report
4 that we submitted with our packets that are going to be
5 endangered because of the addition. And I don't think that
6 that has been given the kind of consideration that, you
7 know, we would expect.

8 Finally, you know, I think that there hasn't
9 really been an exploration in either the staff report or the
10 local advisory committee report of the other alternative
11 here which is that, you know, they just step back that last
12 30 feet of the new addition, you know, enough to add some
13 eaves and some other architectural detailing. But this
14 isn't about someone trying to prevent the neighbor from
15 building. That's not why we're here. You know, we're just
16 trying to make sure that it strikes the right balance and
17 that it looks good for the rest of the community and doesn't
18 encroach upon the setbacks.

19 We would respectfully request that you deny the
20 application in its current form. Thank you very much.

21 MR. FULLER: Thank you.

22 MS. WHITE: Thank you, I appreciate that. I would
23 just like to be brief. I'm Emily White and I have really
24 three points. And the first is addressing the issue of the
25 eaves. And I think that is the most important or the, on

1 the surface and that is why deep overhanging eaves that on
2 this house and on so many of the houses in Chevy Chase are
3 character defining feature. And if you look at the drawing
4 here, if you look at the photograph of the house that is
5 here, you can see that there are eaves on the house, on the
6 addition. The cutting of them, the clipping of them off
7 from the design is not appropriate. The house currently has
8 deep eaves on all four sides. It should continue to have
9 these. It is very appropriate to the house originally and
10 it should keep that. It will change the appearance of the
11 house and it will be visible. Will be visible in many
12 different ways.

13 The extension to the rear here will be back
14 considerably and the wall that we saw in the earlier drawing
15 is going to be there when the, especially when the trees do
16 not have their leaves and there are more trees cut, the two
17 trees that are cut.

18 But my concern also extends into the east
19 elevation. It's very flat. There is, if you look at the
20 drawings carefully there's a greater level of, these are not
21 just additions. They're going to be removing walls and the
22 house will be not just larger, but flat. The articulation
23 of the mass of the house as it is now may be inappropriate
24 of the additions that have been put on, but it is not
25 appropriate to correct that by making another wall, another

1 mistake here. I think that to add some depth as has been
2 suggested by Mr. Finnerman to keep a sense of rhythm and
3 articulation to the facade on the east side as it is on the
4 north and west as well as the west, to the west, north and
5 south is very appropriate. But I wouldn't think or doubt
6 that the problem with the north elevation comes right in
7 here. This is a flat surface as well, very, very minor
8 differential, very minor if you look at at the drawing. And
9 it's not that assimilar from what's happening back here.
10 There are some lines on your drawing that indicate that
11 there's a change. And in fact, this window is currently set
12 at the original back walls and come forward dramatically.
13 They're not actually going to preserving these Ls but
14 actually recreating the L there, maintaining the trim that
15 is on the one L. But they'll be pushing it out.

16 And I think it's important that you do look at
17 these photos because there's no roof plan in your set. That
18 at least I did not see one. And I think that the roofs that
19 are being proposed may, should be looked at very carefully,
20 particularly the hyphen that's been put in which will be
21 very flat and introduces a metal seam roof which is not
22 appropriate to this style and this period of a 1914 house in
23 this particular appearance. The stain seam which would be a
24 much earlier style. You might see that in a certain type of
25 house than what is here now. And there was a slate roof on

1 this originally that has been replaced primarily in asphalt.

2 And I think it would be better to have a consistency of
3 material across the way.

4 In conclusion, I think that it's real important
5 that you look at the drawings as they are. That they need
6 to be developed. That there are issues with them that need
7 to be addressed and that the depth of character that is a
8 character defining feature of Chevy Chase Village, not just
9 in the eaves, but in all aspects of this design should be
10 what this Board is interested in. And I think it is what
11 you have shown yourself interested in in the past. It is
12 the difference between the new McMansions of other areas and
13 what we have in Chevy Chase. So I would encourage you to
14 ask them to move this back the 12 inches or so that it would
15 take to ensure that the eaves would remain as part of the
16 design and not turn this side elevation in what might be
17 considered more of a rear elevation and less articulated
18 fashion as we might see in other areas. Okay.

19 MR. FULLER: Thank you.

20 MR. STRONGHAM: I think I'm the only one left.

21 MR. FULLER: Okay.

22 MR. STRONGHAM: Good evening. My name is Andrew
23 Strongham. I'm here, I'm with the law firm of Knopf and
24 Brown representing the Kinnermans. I'll be very brief.

25 In sum and substance what, the question that we

1 get from this project as presented, this house has been
2 designed from the inside out and that considerations of
3 interior space have been permitted to exhaust over
4 appropriate considerations of historical design. And this
5 is important to the environmental setting of the house. The
6 trees are subject to scrutiny in this district. The expert
7 opinion of not only an arborist but also the builder is that
8 as many as four trees are going to be, additional trees will
9 be removed because of work within the critical root zone.
10 In effect, what we think when you combine those trees with
11 the staff recommendation number 8, is that when all is said
12 and done, we'll be back here for, we'll be in front of the
13 Village for request for a variance because everyone agrees
14 it will look better with eaves. And we will be back for
15 additional tree permits for the additional trees that are
16 going to be damaged and probably killed by the planned
17 construction.

18 All of this I'm afraid is just emblematic of what
19 has just simply gone along for reasons we don't understand
20 with respect to the planning process. We have been excluded
21 despite requests from conversations with staff to raise
22 these concerns in a way that we think would have been much
23 more appropriately address so that we could have tried to
24 find some common ground with the applicants. The last thing
25 that we want to do is to create friction between next door

1 neighbors. But that's happened because we've been denied a
2 voice here.

3 There is a process here for preliminary
4 consultation and that's not been followed. And it's not
5 been followed. What's happened instead we've heard from the
6 applicant and from staff is that there have been a year long
7 process with many iterations of siting and layout and
8 design, none of which included even the courtesy of
9 including my client in those conversations, on the contrary,
10 I think to the public spirit of the preliminary consultation
11 requirement. So we would ask that you give the most utmost
12 consideration now to what amounts to the first opportunity
13 the neighbors and anyone other than the applicant have had
14 to express their concerns.

15 And with that I submitted a letter that I would
16 hope and trust that you will have a chance to read at your
17 leisure. And with that I think we'll take whatever
18 questions you may have. Thank you.

19 MR. FULLER: Are there questions for these
20 speakers?

21 MR. BURSTYN: I believe that at the beginning of
22 the presentation you mentioned that your primary objection
23 was that the addition is 12 inches too far forward? If it
24 was pushed back what then the primary objection would go
25 away? Is that what you said?

1 MR. FINNERMAN: Well, let me give you a little
2 history along with my answer if I could, sir. We first
3 found out about this project when we got the first notice
4 for a hearing before this Commission. And at the time we
5 had to get the, you know, get the plans from, you know, I
6 can't remember if it was from the Commission or from the
7 Village. Shortly thereafter Mrs. Gibson came over and
8 asked, you know, what our concerns were, you know, and what
9 we explained to her at the time was that, you know, from
10 looking at the plans it looked as though the plans were, you
11 know, were over the setback line. Which is only 7 feet in
12 the District.

13 And then we also talked a little bit about the
14 Beech tree which is one of the four trees in the back that
15 will survive. So, we thought that when they came back with
16 revised plans they would, you know, move it back far enough
17 to have the same level of architectural detail that's on
18 their original plan. Instead, they came back with just
19 cutting off all architectural detailing. And so, you know,
20 that's the history as to why we're here. We would not have
21 been here, you know, had they done that. So, now the tree
22 issue, quite frankly, is just something that we discovered
23 in the last week since we got the revised plans and the
24 notice for this hearing. And, you know, I just think that
25 that's something that, you know, hopefully somebody will

1 take into account as well because there's, you know, there's
2 quite a bit importance in the Chevy Chase Guidelines that
3 are associated with preserving the, you know, mature trees
4 in the area.

5 MR. FULLER: Other questions? Thank you.

6 MR. FINNERMAN: Thank you.

7 MR. FULLER: Will the applicants please come back.
8 Do you have any questions or any comments relative to the
9 previous speakers' presentations?

10 MR. GIBSON: Yes. First of all on the trees, we
11 have the approval of the Village. We had the Village
12 arborist come out. He looked at all the trees on the
13 property. We had a prior tree service do the same type of
14 thing a year before. We have adequate reports on the trees.
15 The arborist actually told us he wanted the Beech tree
16 taken down because it was unhealthy and we want to save it.
17 And they also told us that building the addition that we
18 need would require taking down 2 of the 12 trees on our
19 property. And we have the approval unanimously from the
20 Village to do that. It was a vote in the Council meeting a
21 couple of weeks ago.

22 MS. GIBSON: To remove two trees.

23 MR. GIBSON: To remove two of the trees.

24 MS. GIBSON: One which is already in decline and
25 the other which would be too close to the property to

1 survive should construction go forward because it's leaning
2 at a 23 angle over the house --

3 MR. LOCHNER: And actually I can add, the thing
4 Chevy Chase Village decided that this tree, that this site
5 is truly forested to the point where they cannot even add
6 one new tree coming out. And it's only demanding one
7 replacement tree for the two coming out which would be we
8 feel reflected in your photo that they basically have a lot
9 of trees and the pleasant thing to have. And we will work
10 with the arborist with this tree preservation plan to ensure
11 that any additional trees are not impacted by the
12 construction and so that the neighbors in the village can
13 enjoy them as much as the homeowners do.

14 MR. GIBSON: And on the whole business of
15 consultation, I mean we're not experts in historic
16 preservation. And we sought the advice of the staff. And
17 we didn't see anything wrong with that. Other people, I
18 mean from my understanding people coming here everyday
19 asking for advice or asking for, you know, different
20 recommendations and that's what we did, no question about
21 it. And we thought that that was a good thing. That we
22 could get it right. And we think we did get it right. No
23 design is perfect. And unfortunately, when we went at this
24 the first time, the packets, we were under the impression
25 that the packets were supposed to be delivered to all the

1 surrounding neighbors. And --

2 MS. GIBSON: But instead it's filed at the Chevy
3 Chase Village Hall. So neighbor or anybody who's
4 interested, they can go down and look at the application
5 which I understand the Fintermans did. But nonetheless when
6 I received word that there was concern about our plans
7 initially, I walked over, introduced myself because even
8 though we had been there two years we had yet to meet. And
9 asked them what their concerns were. And they told us about
10 the overhang and I thought that that's what we would work
11 on. And never in our expectations we thought that we would
12 have to up and move a house 12 inches.

13 MR. GIBSON: And frankly, I mean, when they raised
14 the overhang issue we kind of thought, oh well, let's fix
15 it. And so we fixed it by taking the overhang on the side
16 of the house and cutting it back. Now, if we could have the
17 overhang we would have the overhang. But the fact is we
18 can't have the overhang and comply with the Village code.
19 And what the Commission has in front of it now is a plan
20 that more than, we believe, more than substantially complies
21 with the standards in the community and with how this house
22 should look from the, really the viewpoint of the street.
23 And they raised some issues about Magnolia Parkway view and
24 I mean I just drove my car down the street, I just drove my
25 car down the street and took pictures.

1 This is their driveway. The first picture is
2 their driveway and you might be able to see back behind this
3 tree right here. If you really look --

4 MS. OAKS: Mr. Gibson, I have that in our plan if
5 you want me to put it up.

6 MR. GIBSON: Yeah, go ahead. That would be great.
7 Let me back up a little. I mean our house is kind of right
8 here. Our house is, this is our chimney. Our house is on
9 the other side here. You can see our house right here maybe
10 if you look. And that's the third one. That's their
11 driveway. That's their driveway. So, I mean frankly I mean
12 these views are of a second building on their lot, the other
13 neighbor's drive, a lot of trees and I mean I just randomly
14 drove down the street and took pictures.

15 So, in terms of the view from Magnolia, there
16 really isn't a view from Magnolia to the back of our, I mean
17 you gotta, it's a 180 feet. It's more than half a football
18 field away from the street to the back of our house. And
19 between our house and their house is something like, you
20 know, 45 or 50 feet. This isn't a side yard, traditional
21 side yard. So, I mean to say that there's no, to say that
22 there's some sort of aspect from Magnolia that would
23 interrupt with, you know, how people view our house, I mean
24 they're not looking at the front of our house from Magnolia.

25 MR. FULLER: I think this is getting a little

1 beyond the answer to the question.

2 MR. GIBSON: All right, sorry.

3 MR. FULLER: Are there any other questions of the
4 applicant?

5 MS. GIBSON: We also have photographs of different
6 houses with overhangs that are in Chevy Chase Village that
7 have complied and wanted you to look at those so that you
8 can see that ours are not too far from the norm of what's
9 being done in the Village.

10 MR. GIBSON: In particular you can look at the next
11 door neighbor's which is the second, which is the second
12 picture. The next door neighbor's house has an overhang on
13 the bottom and no overhang on the top, none. If you look at
14 the next slide, they have no overhang at all on the side.
15 If you go down a couple of other slides there's a really
16 good one here, you know, 8 or 10 slides in. See no overhang
17 on the bottom, no overhang at all on the bottom.

18 MS. GIBSON: That's across the street from us.

19 MR. GIBSON: That's across the street.

20 MS. GIBSON: Right next to us.

21 MR. GIBSON: Next door, no overhang on the top. No
22 overhang on the side next door. I mean the charac-- no
23 overhang at all and gutters on that and that's right across
24 the street. No overhangs in the front on the top. There's
25 all sorts of various styles here. No overhang at all on the

1 front. There's a metal roof. There was a question about
2 metal roofs. There's a nice metal roof with no overhang as
3 well. No overhang on the front of that house, just a
4 gutter. This is the best one. Because it has an overhang
5 and then the overhang juts back and on the back half of
6 that, on the back you know, third of that, there's no
7 overhang at all. It's flat. This one was just one that was
8 approved and built that had no overhang at all. I mean all
9 these we can put in, you can keep the pictures. It doesn't
10 matter to me.

11 This one on the side, see the gutter up there, no
12 overhang at all there. And there's overhangs on other parts
13 of the house. You can see that from the street even. All
14 right. You get the --

15 MR. FULLER: Point's taken. Thank you. Again, are
16 there other questions for the applicant? Is there
17 discussion from the Commission?

18 MR. DUFFY: I have a number of things I would like
19 to discuss. There seems to be some confusion about the
20 process. And I'd really like to move beyond especially the
21 process to the merits of this particular application. But
22 just in brief, ordinarily on a project like this we would
23 like to see a preliminary consultation. However, it's not
24 mandatory. And when the applicant chooses not to have a
25 preliminary consultation, the hearing of the historic area

1 work permit is the first opportunity for the public to
2 comment. That's the normal process. And I'd also like to
3 say it's almost part of the normal process for staff to
4 assist an applicant in the preparation of an application.
5 Having said that, I would have preferred that we had had a
6 preliminary consultation, that we talk about the things that
7 we just talked about then now. So it's not really a big
8 deal. So with that preface, I'd like to talk about my
9 thoughts about this application.

10 First of all, it's a fairly large addition, but in
11 the context of the neighborhood, it's working from a fairly
12 small house to something in the ballpark of what it's
13 neighboring. So I don't see a problem inherently with the
14 amount of space being added to the house. I think in
15 general it's a pretty good proposal ironically, perhaps.
16 What raises the most concern for me is the east elevation.
17 Regardless of anything that anyone else has brought up about
18 it, when I looked at it I like what you're doing with the
19 house. I think it's sensitive. I think it's making some
20 improvements where the past people may have added to the
21 house insensitively. So, I think there are a lot of
22 positives there.

23 The, and I would hope that the issues that I have,
24 I think they're pretty minor. And I think that they could
25 be fairly easily refined without significantly, you know,

1 negatively impacting what you're trying to do. I'm pretty
2 confident about that. If you look at the staff report the
3 drawings, circle 23 is the east foundation. And the second
4 floor plan is on circle 23. On the east elevation to the
5 right side there's a vertical line. It appears that that
6 surface is broken up into three distinct masses, but in a
7 floor plan that would not appear. I think that that
8 presents a fairly large flat plainer elevation that would be
9 better if the massing were broken up slightly. If that line
10 did exist there. And it would perhaps about a 12 inch
11 offset shadow line, I think that would be preferable.

12 I think that, you know, the discussion of the
13 eaves, we looked at a number of images that are different
14 situations in my mind. It would be, I think this elevation
15 would be improved if it had, let me ask you. Has anyone
16 approached the Village to discuss a variance?

17 MR. GIBSON: The Village has its own process for
18 variance. And basically my understanding of it is you have
19 to be really denied before you can go for a variance. And
20 then there are certain standards related to the variance
21 that the applicant has to meet hardship, other things like
22 that. So what that process would hold for this situation
23 I'm unsure. But, I think there have been exploratory
24 discussions.

25 MR. DUFFY: Okay. Another aspect of the east

1 elevation perhaps you can clarify for me. The, I don't see
2 anything wrong with the metal roof where you show it.
3 However, the metal roof is hitting the gable and then it's
4 drawn as at the top as a straight line where it hits the
5 receiving roof to the right. In reality it wouldn't be a
6 straight line. Would it?

7 MR. LOCHNER: It may jot back there, that is
8 correct.

9 MR. DUFFY: And I think there is an inconsistency
10 with the stair --

11 MR. FULLER: This elevation plan, it doesn't show
12 up in the elevation. It's going to be a handrail or
13 something like that.

14 MR. DUFFY: If I look at the floor plan, circle 31
15 and 33 it seems to me that the types of things that would
16 improve the east elevation would basically require pushing
17 some of that east wing in about 12 inches. Looking at the
18 floor plans it seems to me that there's enough space that
19 that could --

20 MR. LOCHNER: Yeah, I, can I interject myself here?

21 MR. DUFFY: Sure.

22 MR. LOCHNER: I respectfully disagree, sir. The
23 main concern with the Gibsons in producing this design is to
24 retain as much of the original house, interior and exterior
25 for their pleasure. That the object for additions would not

1 include any reconstruction of the existing space as much as
2 humanly possible. The major impetus for the Gibsons was to
3 do a kitchen addition and to gain extra bathrooms and to
4 make a master suite where none was before. The kitchen is
5 on the right hand side on the east elevation. The bathrooms
6 are on the right hand side on the east elevation. That's
7 where all the plumbing is. There is no space to carve out
8 another bathroom somewhere else in the plan. If you take
9 off 12 inches of that east elevation you get away from the
10 bathroom and the master suite and turn it into a walk-in
11 closet. That is not what is required in this house. So the
12 floor plan, the existing floor plan, existing mechanical
13 systems, existing status of the house helps determine what
14 those rooms are. You take 12 inches out of that bathroom,
15 it's an useable bathroom.

16 MR. DUFFY: Well, with all due respect, I'm an
17 architect also, and the kitchen is huge. The master suite
18 is huge. I could very easily take 12 inches out of this and
19 still meet the program and make it workable.

20 MR. LOCHNER: The kitchen sits on the existing
21 foundation wall, sir.

22 MR. DUFFY: What we're talking about is not the
23 existing foundation but how to make an elevation that would
24 be acceptable to the Historic Preservation Commission. I
25 think that this could improve and I don't think it would be

1 onerous or even difficult. And I think the east elevation
2 as its drawn right now is too blocky, too planar. There was
3 a little bit of a refinement which I would prefer to discuss
4 at a preliminary consultation. I think we would have
5 something that would be more acceptable. That's one
6 person's view.

7 MR. FULLER: I will note that the neighbors do want
8 to have an opportunity to rebut some of the comments that
9 were made earlier. I don't know if we want to finish our
10 discussions first or do you want to hear from the adjoining
11 neighbors and see, response to the questions so we'll be on
12 just purely response to questions. If you could give us a
13 few minutes for rebuttal from the neighbors.

14 MR. STRONGHAM: We have one observation and two,
15 three points. One that Mr. Duffy very accurately captured
16 our principal concerns. For that we appreciate and in fact
17 the clarity of the remarks. Beyond that the two issues we
18 have are with one, I understand that the Village of Chevy
19 Chase has authorized removal of the two trees. But, we're
20 talking about some foundation excavation work within 7 to 10
21 feet of 24 inch and 30 inch trees. And I just don't think
22 realistically there's any way that those other trees are
23 going to survive that. So that the result of that is when
24 you go to Magnolia Parkway and you see the views that are
25 currently there, you won't see anymore. You'll see a

1 monolithic wall that's been proposed and no more trees to
2 screen it. That is the sum and substance is the problem.
3 We agree wholeheartedly that there is a lovely view right
4 now. And we're very much concern that when you add a
5 plainer wall with no trees it's going to be a different
6 situation entirely.

7 And I should say this because there's some
8 questions about the variance. We tried very hard to follow
9 the what we understand to be the usual procedure here which
10 is to have the applicant get a variance first, if possible,
11 which we frankly would oppose. But in any event to get a
12 variance if they could, rather than do this backwards which
13 is to try to get a decision here and leverage from that
14 variance. But the Village wouldn't, the Village said
15 there's no request for a variance and here we are. We would
16 have rather waited and heard about a variance because we
17 think it would very well have mooted this whole process as
18 it currently exists. Thank you.

19 MR. FULLER: Other questions? Thank you. Gwen,
20 procedurally do we need to allow the applicant the
21 opportunity to rebut the rebuttal or can we just move into
22 deliberations?

23 MS. WRIGHT: I think you can just move into
24 deliberations unless there's a specific request for
25 rebuttal. Usually you only go through one round of

1 rebuttal.

2 MR. GIBSON: One quick point?

3 MR. FULLER: Sure.

4 MR. GIBSON: I mean the point is on the variance.

5 And in order to even apply for a variance you have to have
6 the historic approval to go to get a building permit. Then
7 you've got to be denied, then you go to a variance. And it
8 just takes kind of looking through the statute to figure
9 that out.

10 MR. FULLER: Thank you. Any other comments or
11 considerations, or are you ready for a motion?

12 MS. ALDERSON: Just one, I completely agree with
13 Commissioner Duffy. I think even if there's a real problem,
14 even a six-inch notch in those walls is going to help,
15 normally and we look at different additions with rather
16 shallow eaves, normally it is not visible at all from a
17 public right-of-way we provide readings there. And so some
18 of the facades are flatter where we determine it's not going
19 to be visible at all. If there's some visibility, just a
20 little bit additional scrutiny, in fact, there's some
21 visibility potentially greater visibility not just trees
22 died out of construction because trees sometimes just get
23 old and die. I would certainly support, I would make a
24 minor modification even if you want it 6 inch notch in the
25 wall which I think would increase the shadow line in depth

1 and allow for at least six inches at the -- to make a
2 tremendous difference in making the whole house as other
3 houses, I think the application is very strong, rectifying
4 some former insensitive alterations that bring the whole
5 composition together.

6 MS. OAKS: For the architects on staff -- it's been
7 a while since I've done framing plans. There is materials
8 that you can use now for installation that's a lot thinner.
9 And I know that there are certain things that you can do
10 well, like boards that you can do to thin things up a little
11 bit. Am I correct, and still meet the code? I'm just
12 trying to think of ways to try to trim that particular wall
13 down and still get your code compliance and still get your
14 reveal.

15 MR. FULLER: I think, I believe there are things
16 that can be done. I believe Commissioner Duffy said it
17 correctly that there's probably ways to do the floor on the
18 skin, but really our emphasis is what happens on the
19 outside. Gwen correct me if I'm wrong, but we have an
20 opportunity if we wanted to retain a vote for approval,
21 denial or continuance since this has been within the 45, two
22 week continuance would be so within the 45 day review
23 period.

24 MS. WRIGHT: I mean certainly yes, you can vote for
25 approval, approval of conditions or denial. You could ask

1 the applicant if they'd like to have you continue the case
2 which you can do without their agreement 'cause it's still
3 within the 45 days and come back at the very next meeting to
4 perhaps demonstrate how some of the Commissioners' concerns
5 could be incorporated into a new drawing. That's another
6 choice.

7 MR. FULLER: Sure.

8 MR. BURSTYN: What I am having difficulty here and
9 also I certainly appreciate Commissioner Duffy's remarks. I
10 certainly learned from them. Is that first of all looking
11 at the application to try to determine if we have not really
12 gone through the staff recommendations one at a time to
13 determine what we, to accept, what we don't accept and do we
14 have any changes, number one. And also we also need to keep
15 in mind that it is a, this property is a contributing
16 resource and so we are guided by the Chevy Chase Historic
17 Area guidelines which are laid out where in certain parts
18 are given strict scrutiny or moderate scrutiny, lenient
19 scrutiny so we apply different standards to different
20 aspects of the application. And so I think we have to try
21 to wed that and put that in mind.

22 And also I don't know if we should, if there's any
23 consensus here that we go through the staff recommendations
24 to see what we like or don't like or whether we even want to
25 add to them some other Commissioners or Commissioner Duffy's

1 recommendation to see if that reaches the proposal. Or are
2 we just too far short of this and we need to get them to --

3 MR. FULLER: So let's go down the line and each
4 Commissioner if you'd just give a brief overview as to
5 whether you think this is approvable and whether or not
6 there are any of the conditions that staff has written that
7 you think are either on target or off target.

8 MR. BURSTYN: Well, again, I mean I guess I would
9 defer to the architect on the motion with respect to the
10 various staff recommendations. Which now includes what Mr.
11 Duffy said that I think it's really premature to vote on
12 this up or down as it is. So, what I would do is kind of
13 defer or need further discussion.

14 MR. FULLER: So you don't see it as approvable from
15 this standpoint?

16 MR. BURSTYN: No.

17 MR. FLEMING: I second.

18 MR. FULLER: Thank you, it's not a motion.

19 MS. ANAHTAR: It looks like both the neighbors and
20 Commissioners have only concerns on the east elevation. And
21 the concerns about detailing, roof detailing, the part that
22 I don't understand is this. What, as far as I can see
23 they're not proposing any changes to existing roof on left
24 hand side. And they're just mirroring it on the other side.
25 So, they are replacing the roof? Are you replacing this

1 roof or not?

2 MR. GIBSON: No.

3 MS. ANAHTAR: Changing anything?

4 MR. GIBSON: The one on the left hand side stays.

5 MS. ANAHTAR: Stays, yes.

6 MR. GIBSON: As it is and we mirrored one --

7 MS. ANAHTAR: Exactly. So we cannot expect them to
8 bring different detailing on the right hand side. So I
9 don't have a major problem with that. But, I agree that the
10 little portion should go back for 12 inches at least. And
11 when I look at the foundation plan I don't think the kitchen
12 is, I mean kitchen is sitting on the existing foundation,
13 but it's only a crawl space. You're actually adding in the
14 basement and foundation wall goes beyond that. So I don't
15 think the major expense for you to just accommodate this
16 request and bring this little portion back a little bit to
17 create this scale effect.

18 My second concern is about this window here at
19 this, I find it very awkward at this location. So I think
20 if you could incorporate those into your design, this
21 window. I would like to see a line and job on the wall, I
22 think it should be 12 inches. Those are my concerns. If
23 you are agreeing to those changes then I think that would be
24 approvable.

25 MR. FULLER: Commissioner Alderson.

1 MS. ALDERSON: I think in view of the fact that a
2 preliminary was not sought on this in the long range an
3 addition of this scale where it seems a minor delay to
4 pursue the continuance which could be to everyone's benefit.
5 There's an opportunity to look at minor modifications to
6 the current view that would perhaps appease concerns, really
7 create the design and certainly make it more integral 360
8 degrees. We have even in Takoma Park which has similar
9 guidelines, similar requirements, ordinances, we have
10 sometimes on occasion, spent quite a bit of time refining a
11 rear facade where there is some disability to make a fully
12 integral project. And my belief is that it's worth
13 exploring that opportunity, you know, continue this.

14 MR. ROTENSTEIN: I'd like to join my other
15 Commissioners in recommending a continuance also. Again, a
16 project of this scale and scope and I feel it would have
17 gone through a preliminary consultation. And I think the
18 applicant and the other stakeholders in this proceeding have
19 benefitted and will benefit from the advice gotten from
20 staff but also from the architects on the Commission. And
21 it would be my recommendation at this point to defer a vote
22 until the applicant has an opportunity to review the
23 recommendations made and address some of the concerns that
24 we've articulated.

25 MR. DUFFY: I just had one final comment which is

1 I'd like to reiterate that on balance I think it is a good
2 application. In my view I think the issues that we're
3 bringing up that we're requesting be revisited and refined.
4 Overall I think they're relatively minor. And they're
5 substantial enough for all of us to be saying we'd like a
6 continuance. But I think in my view if those items were
7 addressed I would find the application otherwise approvable.

8 MR. FULLER: I'd echo my fellow Commissioners
9 comments with the additional specific comments that I think
10 this plan really warrants a site plan or at least site
11 improvement shown on the first floor. They have to assume
12 there's some kind of walks and other things coming out of
13 the house that aren't shown and that you're not getting
14 approval for. I would echo the comments about a roof plan
15 would be very useful to be able to understand what's going
16 on and then a correction of the east elevation to pick up
17 what's really there.

18 So, I think that you're hearing that if we vote on
19 this as a up or down vote today you will probably get a
20 denial. So, I think we would like to go towards continuance
21 and have you come back in two weeks. But, if you want to
22 tell us to go for a vote, we can go the other direction.
23 Could I have a motion for a continuance?

24 MR. DUFFY: I move that we continue.

25 MS. ALDERSON: I'll second it.

1 MR. FULLER: All in favor? Any discussion I should
2 ask first? All in favor? Continuance is passed
3 unanimately. Thank you.

4 Next case this evening is Case K at 9723 Capitol
5 View Avenue. Do we have a staff report?

6 MS. FOTHERGILL: We do. As you'll recall, we had a
7 staff report the last meeting, September 13th meeting,
8 sorry, not the last meeting. And the case was continued
9 because the applicant was not present. So there was a staff
10 report and some comments from the Commissioners. And those
11 are in your packet, circles 25 through 30.

12 This is a retroactive case for 9723 Capitol View,
13 Avenue which is a contributing resource in the Capitol View
14 Park Historic District. And the applicant has made some
15 alterations to the property and the house without the
16 approval from the HPC and historic area work permit. And
17 violations have been issued and so now we are looking at a
18 retroactive approval request for background. This is the
19 house at 9723 Capitol View. And in December of last year,
20 the applicant down 13 trees and neighbors did call it in and
21 the Department of Permitting Services issued a stop work
22 order. At that time it was determined that fencing also had
23 been installed which you can see in this slide.

24 At that time staff met with the applicant and
25 Discussed what the requirements were in the historic

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MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION

- X
- HISTORIC AREA WORK PERMIT - : HPC Case No. 35/15-06FF
- 3706 Bradley Lane :
- X
- HISTORIC AREA WORK PERMIT - : HPC Case No. 35/13-06DD
- 23 West Irving :
- X
- PRELIMINARY CONSULTATION - :
- 23329 Frederick Road :
- X
- PRELIMINARY CONSULTATION - :
- 10 Newlands :
- X
- PRELIMINARY CONSULTATION - :
- 27 Quincy Street :
- X

A meeting in the above-entitled matter was held on November 15, 2006, commencing at 7:45 p.m., in the MRO Auditorium at 8787 Georgia Avenue, Silver Spring, Maryland 20910, before:

COMMITTEE CHAIRMAN

Julia O'Malley

COMMITTEE MEMBERS

Lee Burstyn
Warren Fleming
David Rotenstein
Jeff Fuller

Deposition Services, Inc.
Pamela Duffy
6245 Executive Boulevard
Rockville, MD 20852
Tel: (301) 881-3344 Fax: (301) 881-3338
info@DepositionServices.com www.DepositionServices.com

ALSO PRESENT:

Gwen Wright
Anne Fothergill
Tania Tully
Michele Oaks

APPEARANCES

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1 The next case that we'll hear is Case B, 23 West
2 Irving.

3 MS. OAKS: 23 West Irving in Chevy Chase is also a
4 contributing resource within the district. You may remember
5 you saw a historic area work permit application at your
6 October 25, 2006 public hearing. Attached to your staff
7 report is the transcript of that hearing for your review.
8 The historic area work permit was for rear additions, and
9 the commission was generally supportive of the project, but
10 you did ask the applicant and their designer to study
11 alternative solutions to break up the massing on the east
12 elevation.

13 You also asked the applicant for a roof plan and a
14 more detailed site plan, and that is also provided in the
15 staff report. I do have the Powerpoint that was provided at
16 that last meeting, and I'll be happy to entertain any
17 questions that you have since the last meeting, or any
18 questions you have with the current staff report. But we
19 are recommending approval with the stated conditions on
20 Circle 1 which is our standard conditions for historic area
21 work permits.

22 The applicants and their architect are here this
23 evening. I will note for the record that you did receive in
24 your work session clarification on the eaves and on the roof
25 plan so you have that provided to you, and the Chevy Chase
26 Village letter from the Village Manager as well.

1 MS. O'MALLEY: Could you do the Powerpoint really
2 quickly?

3 MS. OAKS: Sure. This is the subject resource
4 here. This is the house here and this is a good view of the
5 rear addition. This is the subject elevation that you had
6 discussions at the previous meeting.

7 MS. O'MALLEY: Were there any questions for staff?
8 Could the applicants come up, please. Welcome. Did you
9 have any comments on the new staff report?

10 MR. GIBSON: My name is Duane Gibson. Paula and I
11 own the house and we had several constructive suggestions
12 from the commissioners, in particular Commissioner Duffy,
13 last time. We want back and we reworked those with Paul
14 Locher, and he can walk you through the modifications that
15 we made that we hope meet the expectations of the
16 commission.

17 MS. O'MALLEY: All right, any questions by
18 commissioners?

19 MR. GIBSON: Can he walk you through it?

20 MS. O'MALLEY: That would be fine. State your
21 name for the record.

22 MR. LOCHER: We believe that, -- I'm Paul Locher,
23 thank you -- we took the center hyphen on the east elevation
24 and recessed that to 12 inches as recommended. We
25 articulated the rear massing 6 inches to allow for a shadow
26 line. And on the front massing the second floor window was

1 centered in that section as per the request. We included in
2 the east elevation a guard fence in the plans, and included
3 a roof plan and we detailed the site plan to include
4 walkways, stairs, walls, etcetera.

5 In addition, after the concerns of the adjacent
6 neighbor were listened to, we lowered the slope of the
7 hyphen roof to produce that massing. We buttoned the seams
8 on those, the metal roof because that seemed to be an issue.
9 We added shutters to all single second story windows on the
10 east elevation. We detailed the screen porch to mimic more
11 of the details of the sunroom and the porch rails on the
12 west side. We added shutters to the third story arch
13 windows. And we believe that this is a response to all
14 concerns and hope you approve. That's it.

15 MS. O'MALLEY: Any questions from the
16 commissioners?

17 MR. DUFFY: Do you have any comments or issues
18 with the staff recommendations?

19 MR. GIBSON: I think that they're all the standard
20 recommendations, and I think that they're fine.

21 MR. DUFFY: Well, I'll say since I had a comments
22 last time, I think you've done a good job of adequately
23 addressing all the concerns that were raised the last time,
24 and I appreciate effort, you know, speaking for myself. I
25 think it's a good application and I have no problems
26 supporting it as submitted now.

1 MS. O'MALLEY: All right, well we have a couple of
2 speakers, so if you will step down we'll include that and
3 then you can come back up. If we could have John Finneran,
4 Emily Eich and Andrew Strongham come up. Three minutes
5 each.

6 MR. STRONGHAM: Good evening. My name is Andrew
7 Strongham with the law firm of Knopf & Brown. We put in
8 four sheets just to have the time, but we don't intend to at
9 this point say anywhere near 12 minutes worth.

10 MS. O'MALLEY: Thank you.

11 MR. JOHN FINNERAN: Good evening, my name is John
12 Finneran. First of all, let me just say that we really
13 appreciate the time that the commission and the staff has
14 taken to listen to our input. And we also very much
15 appreciate the improvements that the Gibsons have made and
16 the architectural detailing of the east elevation of their
17 proposed addition.

18 However, we still think there is one architectural
19 detail that has not yet been addressed that we think would
20 substantially improve the design and make it more compatible
21 with the standards that the commission applies to
22 contributing resources in historic areas. And that is
23 uniformity of the soffits. If you take a look at the detail
24 on the roof plan you'll see that there are predominantly 15
25 inch soffits in the front and in the back on the old section
26 of the east facade which isn't part of the new addition.

1 But then 7 inch soffits on the back two thirds of the east
2 soffit which is the new addition, and 12 inch soffits
3 proposed for the west side. So basically what we would ask
4 the commission to consider is to, you know, require, you
5 know, additional modification of the east side to permit
6 uniform soffits around the house and continue with no
7 encroachment, you know, with respect to any of the new
8 construction into the applicable building restriction line
9 under the Chevy Chase Code.

10 I think what that would mean is stepping back the
11 east wall of the east addition, the middle section and the
12 rear section by approximately 8 inches if, you know,
13 assuming that the measurements in the materials are correct.
14 So again just to repeat, you know, we very much appreciate
15 the design changes that have been made.

16 We think uniform soffits would be a vast
17 improvement for you know a facility that is visible from the
18 public rights of way along Magnolia Parkway, and that it's a
19 relative small amount of interior space that would have to
20 be sacrificed in order to achieve that, and obviously beyond
21 that, you know, we're happy to, you know defer to the
22 commission to, you know, do the right thing with respect to
23 the other architectural details.

24 And just one more comment and I'll Emily Eich to
25 comment, which is, you know, we also want to note and we
26 very much appreciate the letter from the Chevy Chase Village

1 Manager with respect to the impact that the addition might
2 have on the trees. You know, we actually think that that
3 really does clarify the record and it gives us confidence
4 that, you know, responsible folks will really, you know,
5 seriously consider and work with that issue in detail before
6 a building permit is issued, and that's, you know, quite
7 frankly, all we were asking for all along.

8 We're not here to try to substitute our judgment
9 for the Village arborist. I just wanted to make sure that
10 the record was clear that that issue would be addressed, you
11 know, in detail by those professionals before the building
12 went forward. And just with that I'll just close by again
13 thanking you for your courtesy and turn it over to Emily.

14 MS. EICH: Thank you. I'm Emily Eich. Very
15 briefly, I think that the uniformity of these soffits is
16 important. This design has a lot of interrelated shapes.
17 Different roof lines and the main house has these very
18 strong 15 inch soffits that should be then extended around
19 and not have the variation as it goes around, because it
20 could be, the soffits could be a very important unifying
21 character to that roof would help to take away from the
22 complexity as it is presented. Thank you.

23 MR. STRONGHAM: I have only one very brief
24 comment. What's a lawyer to do. I think that Mr. Finneran
25 and Ms. Eich have very clearly stated our concerns. I would
26 only ask that to the extent that the commission shares those

1 concerns that they be made conditions, and with that, I
2 thank you for your time. If you have any questions for us,
3 we're happy to answer them.

4 MS. O'MALLEY: Are there any questions for these
5 three? We also have Jane Flynn.

6 MS. FLYNN: I won't be speaking.

7 MS. O'MALLEY: All right, now as I notice on the
8 original portion of the house is the original main portion
9 that the 15 inch, where there are, the gabled roof ends in
10 front, but these end ones are a different type of roof? I
11 mean it's not a gable roof, it's a different style?

12 MS. EICH: I think if you look at Mr. Locher's
13 sketch that the 15 inch is at the main house, which is
14 somewhat visible here in that roof plan. Then on the side
15 that, east side, there's a 15 inch soffit as well on the
16 existing roof that's there. And the roof that is in the
17 back portion of the east side, that is supposed to be a
18 similar roof to the front addition. That addition is going
19 to stay I understand, and that would have only 7 inch
20 soffits, and the new gables that are in the back, the gable
21 roofs because they would be removing the gable that is now
22 there now. They'd be extending new gables out. Those have
23 15 inches, and then the additions that are, the new
24 additions on the west side have 12 inch soffits. So we have
25 all of the original is 15, the existing addition that will
26 remain is 15, but the new sections are either 12, 7 or 15.

1 MR. FINNERAN: If I may just add to be clear what
2 we're asking the commission to do to cure the soffit problem
3 on the back of the east side, what the commission would have
4 to do is push back the wall on those two sections by
5 approximately 8 inches, because if you don't do that, they
6 can't put the, you know, the reason the soffits are that
7 short is they're trying to stay behind the 7 foot building
8 restriction line that's applicable in the Chevy Chase
9 Village, which is applicable to everything including soffits
10 and gutters, as well as of the walls itself.

11 MR. STRONGHAM: Ma'am, just for clarification, I
12 don't know if you have the revised roof lines that had the
13 annotations, if you don't have that that would be clearer
14 for you.

15 MS. O'MALLEY: Any other questions? Thank you.
16 Could the applicants come back up, please. Do you have
17 anything you want to say before we ask questions again? All
18 right, commissioners anything you want to state or ask?

19 MR. FULLER: I pretty much agree with Commissioner
20 Duffy. I think that the changes that have been proposed
21 really address most of the comments that we had made last
22 time. From my perspective, it's certainly approvable as is.

23 MS. O'MALLEY: Any other comments?

24 MR. FULLER: Okay, I'll make a motion we approve
25 35/13-06DD based on the staff report with all six staff
26 recommendations.

1 MS. O'MALLEY: Is there a second?

2 MR. DUFFY: I second.

3 MS. O'MALLEY: Any other discussion? All in favor
4 raise your right hand.

5 VOTE.

6 MS. O'MALLEY: Its unanimously approved. And I
7 suppose you still have the option of going for a variance.

8 MR. LOCHER: The Village actually would not allow
9 the variance.

10 MS. O'MALLEY: Even though it's been approved?

11 MR. LOCHER: No. Any new construction is not
12 allowable under the variance application. They would only
13 allow it for an existing structure.

14 MR. GIBSON: Thank you very much.

15 MS. O'MALLEY: The next item tonight we move into
16 preliminary consultations. The first one will be A, 23329
17 Frederick Road, Clarksburg.

18 MS. TULLY: 23329 Frederick Road is a contributing
19 property within the Clarksburg Historic District. As you
20 can see, it is located if you're heading north on the right
21 side of Frederick Road and it backs up to new construction
22 of the Clarksburg Town Center. There are three structures
23 on the property. A one and a half story frame house, the
24 one story store under discussion tonight, and a small
25 concrete block shed. Additionally, there are some existing
26 gas pumps somewhere around here.

NOTES:

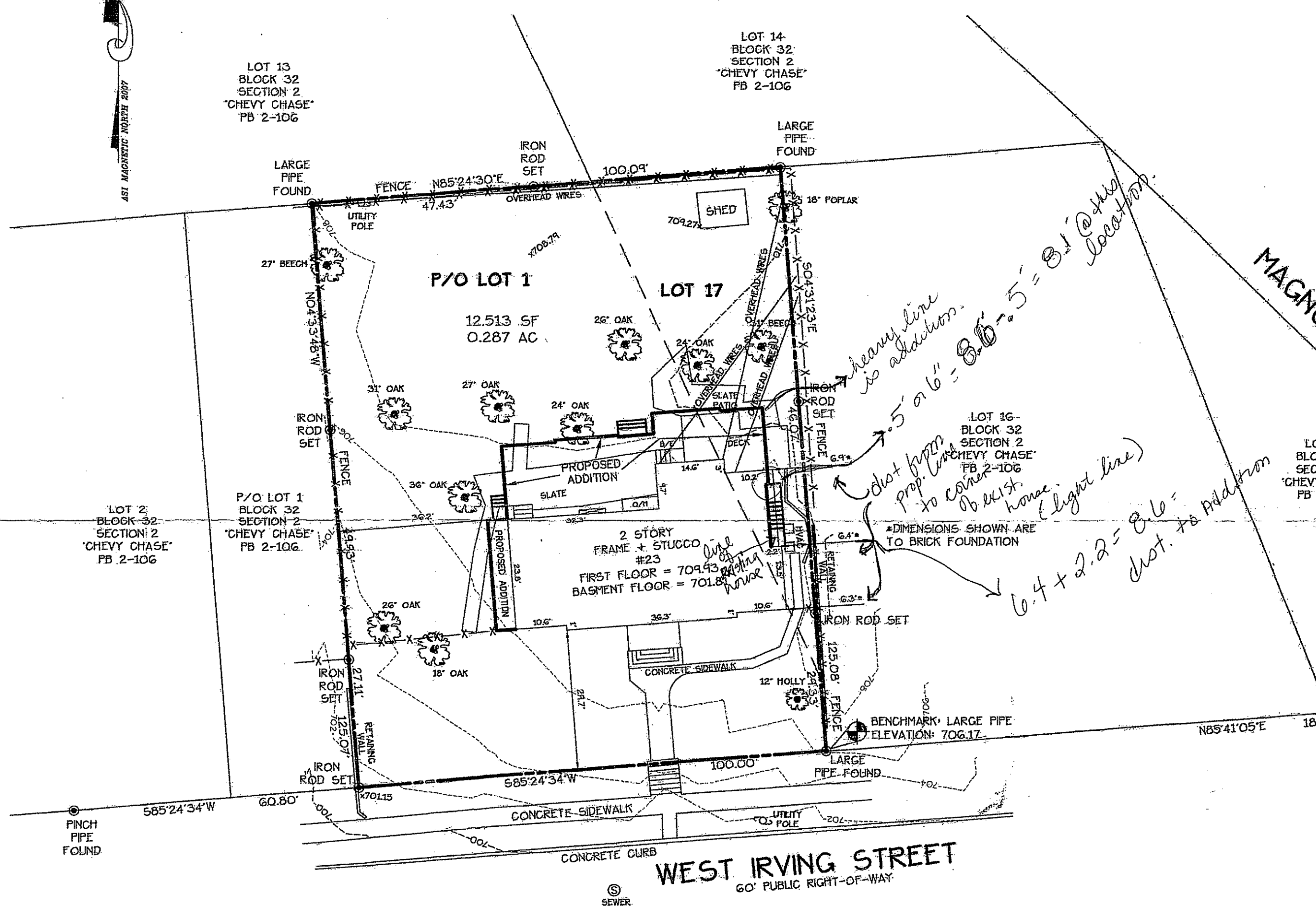
- 1) The licensee either personally prepared this drawing or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of Chapter 06 Minimum Standards of Practice.
- 2) The source of data, bearings, and/or coordinates used on this drawing are based on the record plat or deed referenced: DEED 28939-48 AND PLAT PB 2-106

**SURVEYOR'S CERTIFICATE TO
BOUNDARY SURVEY AND
LOCATION DRAWING**

I HEREBY CERTIFY, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THAT THE PROPERTY SHOWN HEREON HAS BEEN ACCURATELY SURVEYED BY TOTAL-STATION SURVEY (SUBJECT TO TITLE SEARCH), AND THAT THE IMPROVEMENTS SHOWN HEREON HAVE BEEN ACCURATELY LOCATED..

Francis B. Collinson
FRANCIS B. COLLINSON
M.D. P.L.S. #10104
3/27/07
DATE

TOPOGRAPHIC WORKSHEET IS BASED UPON A FIELD-RUN SURVEY FROM AN ASSUMED ELEVATION OF 700..



**SPECIAL PURPOSE PLAT
P/O LOT 1 AND LOT 17
BLOCK 32 SECTION 2
CHEVY CHASE**
SEVENTH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 20' JANUARY 2007



Established 1975
3140 WEST WARD ROAD SUITE 103
DUNKIRK, MARYLAND 20754
410-286-9712 1-800-236-4681
FAX: 410-286-9716

FILE #MO-124 PROJECT #21011
COPYRIGHT © BY ADVANCED SURVEYS, INC

CHEVY CHASE VILLAGE

5906 CONNECTICUT AVENUE
CHEVY CHASE, MD 20815
Telephone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov

GEOFFREY B. BIDDLE
Village Manager
DAVID R. PODOLSKY
Legal Counsel

BOARD OF MANAGERS
DOUGLAS B. KAMEROW

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Assistant Treasurer
PETER M. YEO
Board Member
ROBERT L. JONES
Board Member

September 15, 2006

Ms. Paula Gibson
23 West Irving Street
Chevy Chase, MD 20815

Dear Ms. Gibson:

The Village Arborist, William Dunn, has examined a total of nine trees on your property in preparation for your proposed addition. Mr. Dunn has approved the removal of only one tree, the 30-inch diameter Beech tree located in the rear yard. A Tree Removal Permit will be issued once you advise our office of the tree contractor you plan to use for the removal. Please note that the contractor must be licensed through the State of Maryland's Department of Natural Resources.

The remaining eight trees were all denied for removal because they are healthy. These include:

<u>Tree #</u>	<u>Diameter & Species</u>	<u>Location</u>
1	33.5-inch diameter Spanish Oak	Left side of rear yard.
2	24.5-inch diameter White Oak	Rear yard.
3	24.0-inch diameter Spanish Oak	Left side of rear yard.
4	24.0-inch diameter Beech	Far left corner of rear yard.
5	30.0-inch diameter White Oak	Far left corner of rear yard.
6	25.0-inch diameter Spanish Oak	Rear yard.
7	24.0-inch diameter White Oak	Rear yard.
9	22.5-inch diameter White Oak	Left side yard.

A copy of Mr. Dunn's report is enclosed for your reference, which includes a full assessment of the above-referenced trees. Mr. Dunn specifically noted that tree #1 and tree #2 would be too close to the proposed addition to survive the construction.

Also enclosed please find a copy of Chapter 17 of the Chevy Chase Village Code of Ordinances, which deals with tree removal regulations. If you wish to appeal the arborist's decision concerning any of the eight denied trees noted above, you must submit a statement to the Board of Managers and a \$150 appeal fee no later than 5:00 p.m. on Monday,

September 25 in order for your appeal to be heard by the Board of Managers at their meeting on Monday, October 9, 2006.

If you have any questions or require additional information, please feel free to contact me at (301) 654-7300 or shana.davis-cook@montgomerycountymd.gov.

Sincerely,



Shana R. Davis-Cook
Manager of Administration
Chevy Chase Village

Enclosures

1:00pm
9/8/06

Tree Inspection Request

Address 23 W. Irving

Date 9/8/06

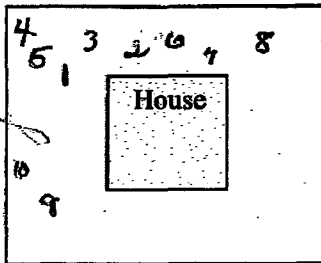
Resident's Name Gibson

Phone #s 301.215.9093

Circle One: Private Property

Village Street/Park Tree _____

Concern(s) assessment of trees relating to proximity to current location of home in addition to their locations in proposed construction



Call taker to indicate location of tree(s) using "plat" and Number designation itemized below.

#1 - _____

#2 - _____

#3 - _____

(Please list no more than three trees per page)

***** To be completed by arborist *****

*Tree # 1: Type and Diameter Spanish Oak 33.5" DBH

Assessment: Healthy denied

Very close to construction. ~~Remove~~
Tree leans over house, under present plan tree should be removed

*Tree # 2: Type and Diameter White Oak 24.5" DBH

Assessment: Fair

Tree has to be removed if present plan is not changed.

Tree # 3: Type and Diameter Spanish Oak 24.1" DBH

Assessment: Healthy

If removal requested. - Approved Denied Permit Required? Y N

Tree 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Signature W. Jann

Date 9-8-06

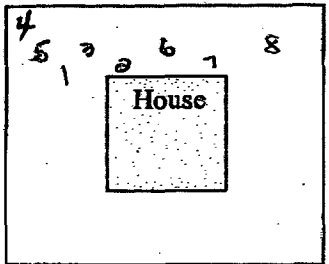
Tree Inspection Request

Address 23 W Irving Street Date 9-8-06

Resident's Name Gibson Phone #s _____

Circle One: Private Property Village Street/Park Tree _____

Concern(s) _____



Call taker to indicate location of tree(s) using "plat" and Number designation itemized below.

- #1 - _____
- #2 - _____
- #3 - _____

(Please list no more than three trees per page)

***** To be completed by arborist *****

Tree # 4 Type and Diameter Beech 24 DBH
 Assessment: Healthy

Tree # 5 Type and Diameter White Oak 30 DBH
 Assessment: Healthy

Tree # 6 Type and Diameter Spruce Oak 25 DBH
 Assessment: Healthy

If removal requested.	- Approved		Denied	Permit Required?	Y	N
	<input type="checkbox"/>	<input type="checkbox"/>				
Tree 1			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree 2	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree 3	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Signature <u>W. Dunn</u>	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date <u>9-8-06</u>						

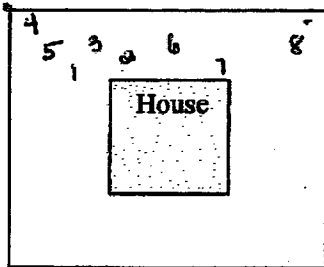
Tree Inspection Request

Address 23 W. Irving Street Date 9-8-06

Resident's Name Gibson Phone #s _____

Circle One: Private Property Village Street/Park Tree _____

Concern(s) _____



Call taker to indicate location of tree(s) using "plat" and Number designation itemized below.

- #1 - _____
- #2 - _____
- #3 - _____

(Please list no more than three trees per page)

***** To be completed by arborist *****

Tree # 7 Type and Diameter White Oak 24 DBH

Assessment: FAIR HEALTH

Tree # 8 Type and Diameter Beech 30" DBH

Assessment: Excessive dead limbs Dead limbs should be removed. Test for Phytophthora root rot. Tree is declining.

Tree # 9 Type and Diameter White Oak, 22.5

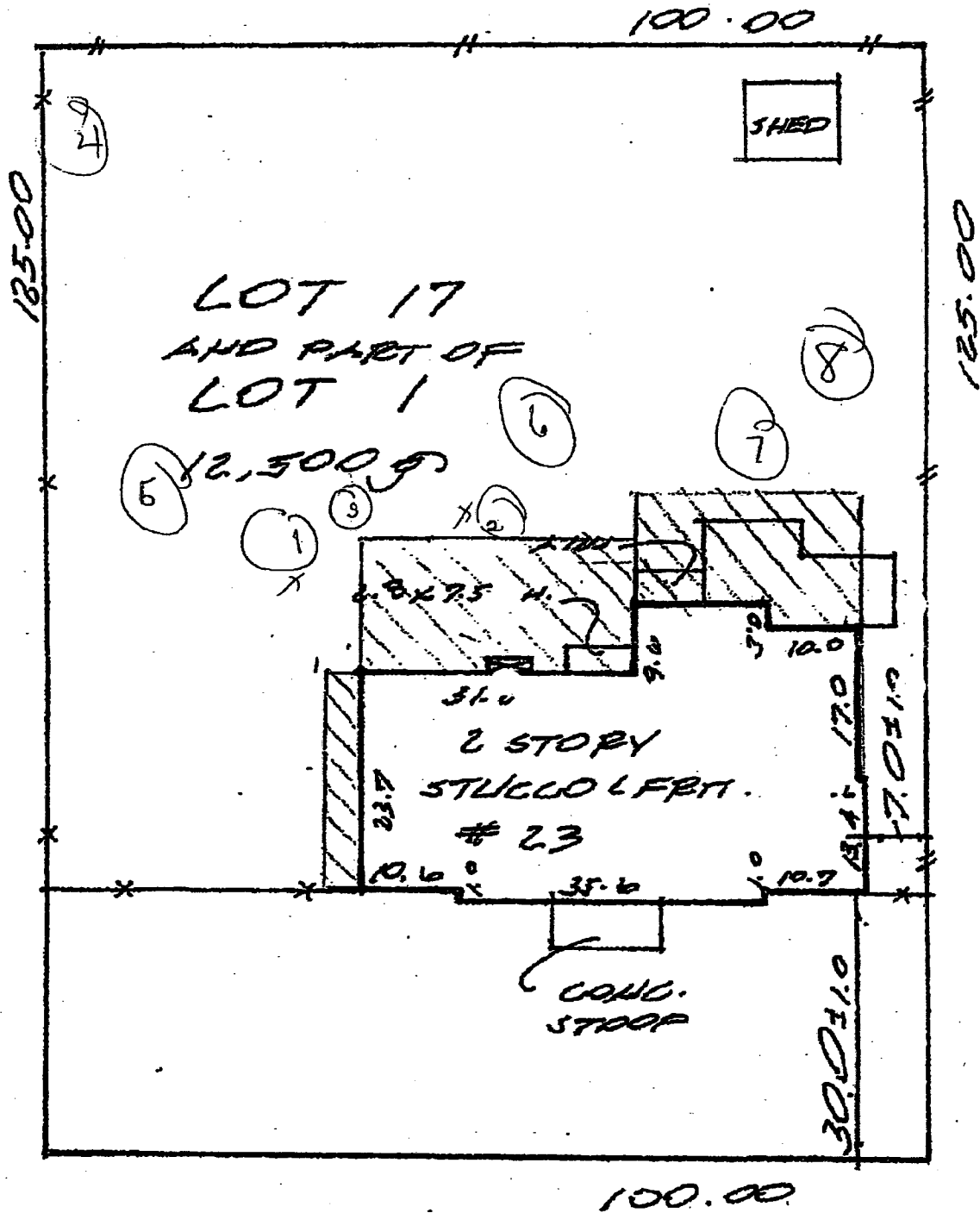
Assessment: Healthy cable

If removal requested. - Approved Denied Permit Required? Y N

7 Tree 1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Tree 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Tree 3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Signature [Signature]

Date 9-8-06



IRVING STREET, WES

Chapter 17 URBAN FOREST

§ 17-1. Trees included.

§ 17-2. Permit required.

§ 17-3. Permit standards.

§ 17-4. Appeals.

§ 17-5. Appeals procedures.

§ 17-6. Factors considered on appeal.

§ 17-7. Trees in public right-of-way.

§ 17-8. Penalties.

§ 17-9. Remedial action.

Sec. 17-1. Trees included.

The chapter (except for Section 17-7 below) shall apply to trees on private property with trunks that measure at least twenty-four (24) inches in circumference at four and one-half (4 1/2) feet above ground level. If a tree divides into branches at less than four and one-half (4 1/2) feet, the trunk shall be measured immediately beneath the dividing point. This chapter shall also apply to trees, regardless of size, that were planted pursuant to a reforestation requirement contained in a decision granting a permit.

(No. 19-12-88, 4-18-88)

Sec. 17-2. Permit required.

No person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape or balance of a tree.

(No. 19-12-88, 4-18-88)

Sec. 17-3. Permit standards.

(a) The Village Manager is authorized to issue a permit only if one (1) of the following conditions applies:

- (1) The tree is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration;
- (2) The tree is dead or dying, or is in danger of falling;
- (3) The tree constitutes a hazard to the safety of persons;
- (4) The tree constitutes a hazard and threatens injury to property;

- (5) The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- (6) The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner.

(b) if the Village Manager determines that none of the above conditions apply, he shall deny the permit. The Manager is authorized to consult with experts concerning any of the above conditions.

(No. 19-12-88, 4-18-88)

Sec. 17-4. Appeals.

(a) An applicant who is denied a permit by the Village Manager may appeal the Manager's decision to the Board of Managers in writing within ten (10) days of the Village Manager's denial of the application for a permit.

(b) The Board of Managers shall have the authority to permit the removal or destruction of a tree or the undertaking of any action that will substantially impair the health or growth of a tree if, after a public hearing, the Board finds that such removal, destruction or other action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of this chapter.

(No. 19-12-88, 4-18-88)

Sec. 17-5. Appeals procedures.

(a) Upon the filing of an appeal, the Village Manager shall forthwith transmit to the Board of Managers the record pertaining to the appeal. The Village Manager shall give written notice to the hearing on appeal to the applicant, all abutting property owners and all members of the Village tree committee. Said notice shall be provided to such persons at least ten (10) days prior to the meeting at which the appeal is to be considered. In addition, the property shall be posted with a sign which shall include the case number, nature of the application, and the date, time and place of the hearing. The sign shall be located so as to be readable from the roadway abutting the property and should be placed five (5) feet from the sidewalk, if one exists, or five (5) feet from the curb or the edge of the paved portion of the street if there is not curb. In the case of lots abutting more than one (1) street, a sign shall be posted for each abutting street.

(b) For the conduct of any hearing on an appeal pursuant to this section, a quorum shall be not less than four (4) members of the Board of Managers and the decision on appeal shall be approved by a majority of those board members present and voting.

(c) At the hearing, any party may appear in person or by agent or by attorney. The decision by the Board of Managers shall be made within sixty (60) days following the hearing.

(d) In exercising its powers, the Board of Managers may affirm the denial of a permit, may direct the Village Manager to issue a permit, or may direct the Manager to issue a permit upon such conditions, terms or restrictions as the Board of Managers may deem necessary in order to make the required findings as set forth in section 17-4(b). If the Board of Managers imposes a reforestation requirement as a condition of approving the removal of one or more trees, the Village Manager may extend the deadline for planting the replacement tree(s), for up to six (6) months, if the Village Manager finds that, due to circumstances beyond the permittee's control, it is impossible or impractical to plant the replacement tree(s) on or before the deadline established by the Board of Managers.

(e) The secretary of the Board of Managers shall keep minutes of all appeal hearings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be filed in the office of the Village Manager and shall be public record.

(No. 19-12-88, 4-18-88; No. 09-01-05, 09-12-05)

Sec. 17-6. Factors considered on appeal.

The Board of Managers shall consider the following factors in deciding whether to approve, disapprove or modify the decision of the Manager:

- (a) Those specified in section 17-3 above if relevant to the appeal;
- (b) The reasons cited by the applicant for wanting to remove or destroy the tree;
- (c) The reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the permit;
- (d) Whether tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, and the extent to which there is no reasonable alternative;
- (e) Whether the applicant proposes reforestation;
- (f) Hardship to the applicant if a permit for the requested action is denied;
- (g) The desirability of preserving a tree by reason of its age, size or outstanding qualities, including uniqueness, rarity or species specimen;
- (h) Such other relevant matters as will promote fairness and justice in deciding the particular case.

(No. 19-12-88, 4-18-88)

Sec. 17-7. Trees in public right-of-way.

No person shall remove or destroy, or cause the removal or destruction of, a tree or undertake any action that will substantially impair the health or growth of a tree of any size or description in the public right-of-way without first obtaining a permit from the Village Manager, whose decision to issue or deny the permit shall be governed by the requirements of state law and relevant Village right-of-way agreements. No person shall prune a tree in the Village Tree Inventory without first obtaining a permit from the Village Manager, who shall not grant a permit unless the Village Manager finds that such pruning is consistent with the Village tree pruning program.

(No. 19-12-88, 4-18-88; No. 01-01-06, 01-09-06)

Sec. 17-8. Penalties.

(a) Violation of any provision of this chapter shall be a municipal infraction unless otherwise specifically provided. Any person or persons guilty of a municipal infraction shall be subject to such prosecution and penalties as are provided in Chapters 5 and 6 of this Code.

(b) The Village may institute injunctive or any other appropriate action or proceedings at law or equity for enforcement of this chapter in any court of competent jurisdiction.

(No. 19-12-88, 4-18-88)

Sec. 17-9. Remedial action.

(a) Whenever the Village Manager or his designee finds that any person is in violation of this chapter or is failing to comply with the terms and conditions of a permit issued pursuant to this chapter, in whole or part, he may issue an order to stop the removal of or damage to the tree, unless the Village Manager determines that stopping such work would threaten the public safety.

(b) Continuing work in violation of an order issued pursuant to Section 17-9(a) by the Village Manager or his designee shall constitute a misdemeanor, and upon conviction shall be punishable by a fine in the maximum amount permitted by law.

(c) An order issued pursuant to Section 17-9(a) posted on the property, in a conspicuous location, shall be sufficient service upon all persons physically on the property. A posted notice shall not be removed except under the authority of the Village Manager.

(No. 19-12-88, 4-18-88)

LOCHER DESIGN BUILD

September 1, 2006

Montgomery County Historic Preservation Commission
Attn: Michelle Oaks
1109 Spring Street, Suite 801
Silver Spring, MD 20901

Michelle,

This letter is to more exactly specify the material selections related to the project at 23 West Irving Street in Chevy Chase, Maryland.

The exterior finishes on the new construction are intended to be as follows:

Masonry foundations;
Stucco finish on the two story additions;
Wood siding on the one story additions;
Wood SDL windows throughout;
Wood trims to mimic existing;
Slate (or look alike) on addition steep roofs;
Metal on low pitch shed roofs;
Re-used slate on original roofs at tie-ins.

I trust that this information is useful.

Sincerely,



Paul Locher, Jr.



10023 Raynor Road • Silver Spring, MD 20901 • 301-592-0070

Existing Property Condition Photographs (duplicate as needed)



Detail: FRONT ELEVATION

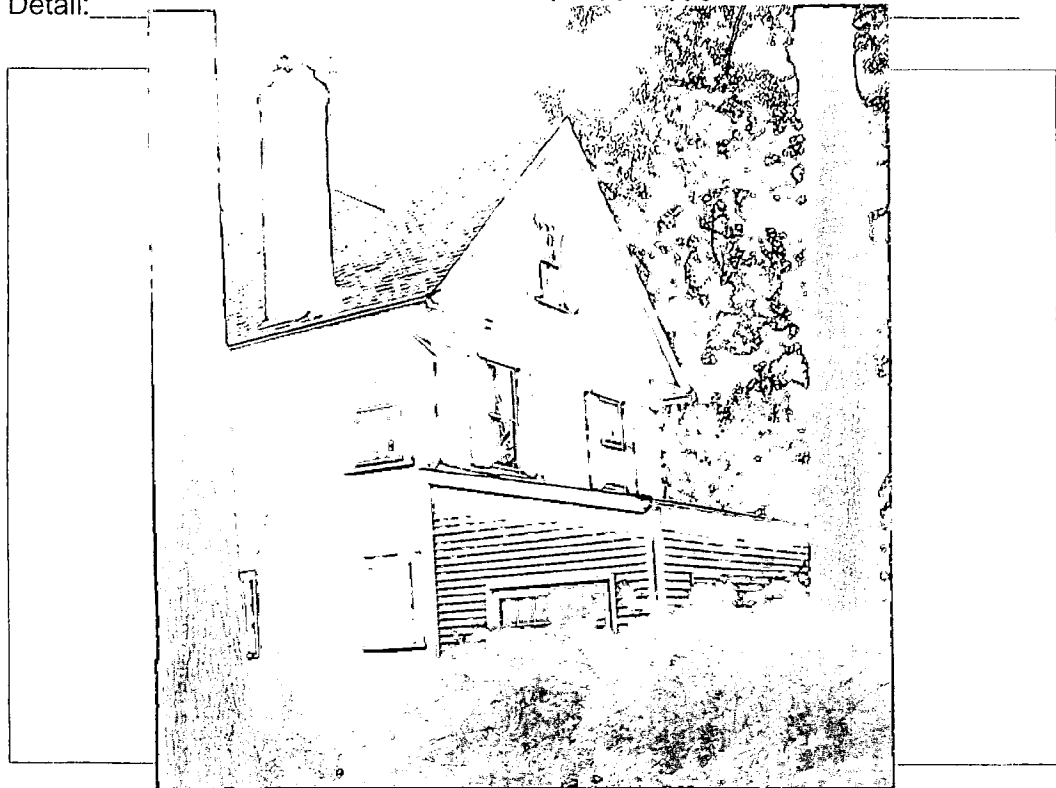


Detail: EAST SIDE ADDITION

Existing Property Condition Photographs (duplicate as needed)



Detail: WEST SIDE ADDITION



Detail: WEST SIDE ADDITION

Applicant: _____

Page: _____

Existing Property Condition Photographs (duplicate as needed)



Detail: REAR ELEVATION (NORTH)



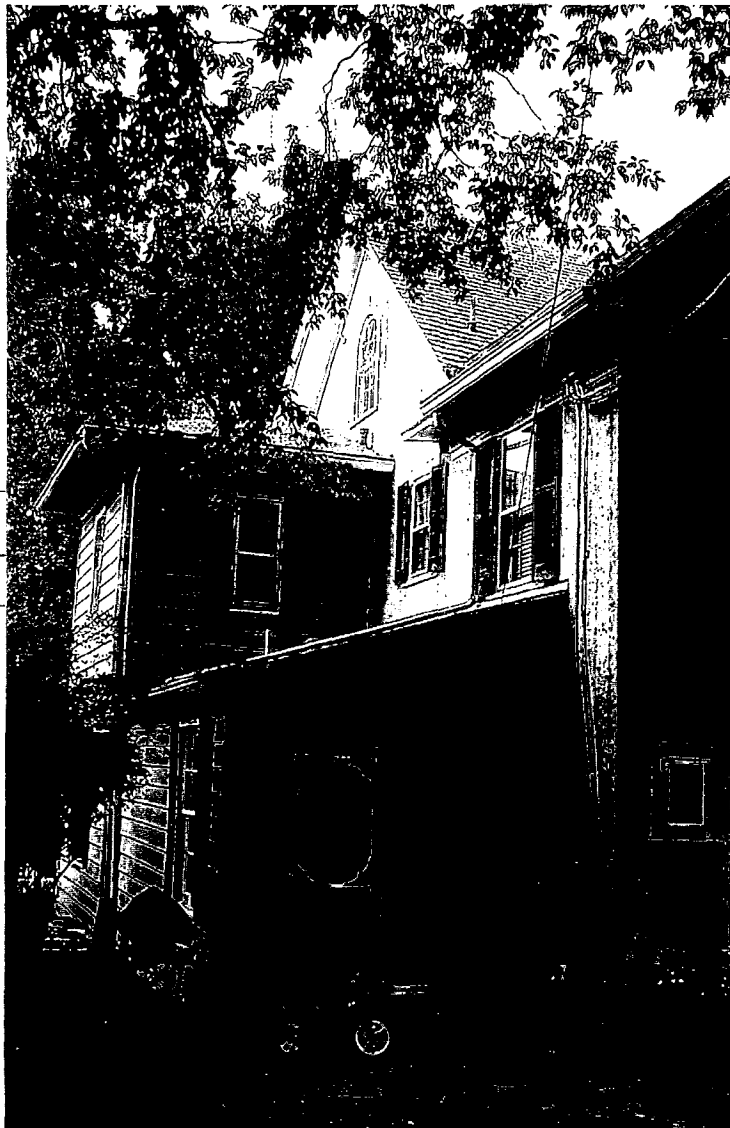
Detail: _____

REAR ELEVATION @ EAST ADDITION

Applicant: _____

Page: ___

Existing Property Condition Photographs (duplicate as needed)



Detail: _____

Detail: EAST SIDE ELEVATION (OBLIQUE)

Applicant: _____

Page: _____

Existing Property Condition Photographs (duplicate as needed)



Detail: FRONT ELEVATION



Detail: EAST SIDE ADDITION

Applicant: _____

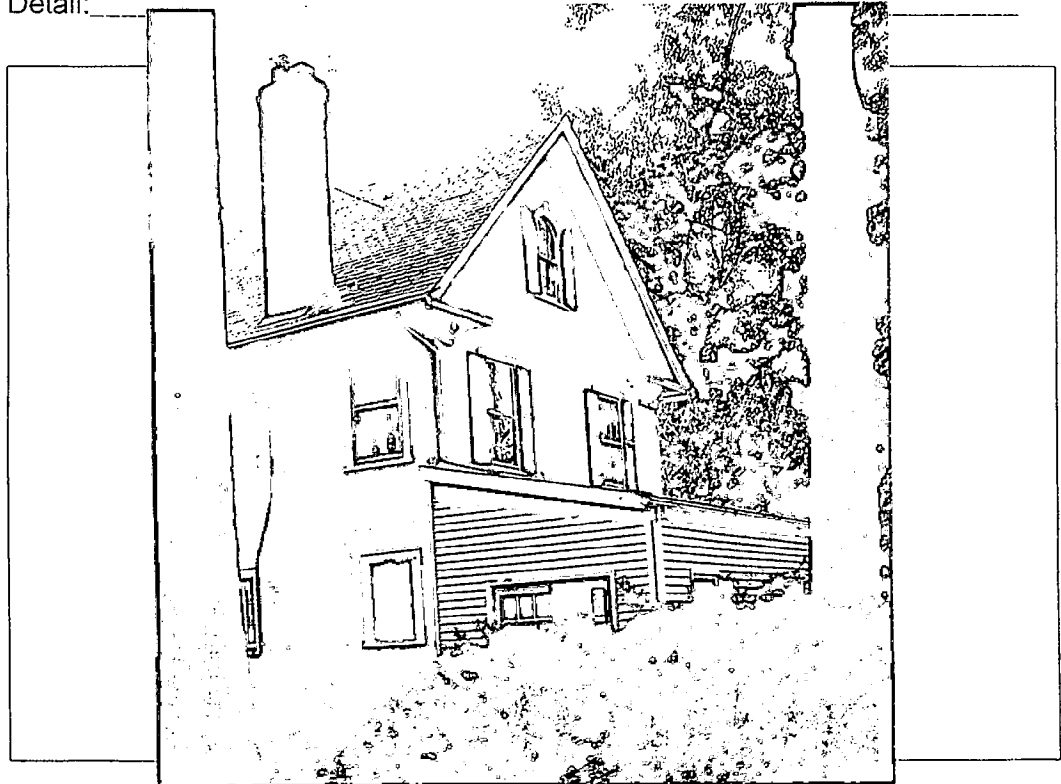
Duplicate
Pictures

Page: _____

Existing Property Condition Photographs (duplicate as needed)



Detail: WEST SIDE ADDITION



Detail: WEST SIDE ADDITION

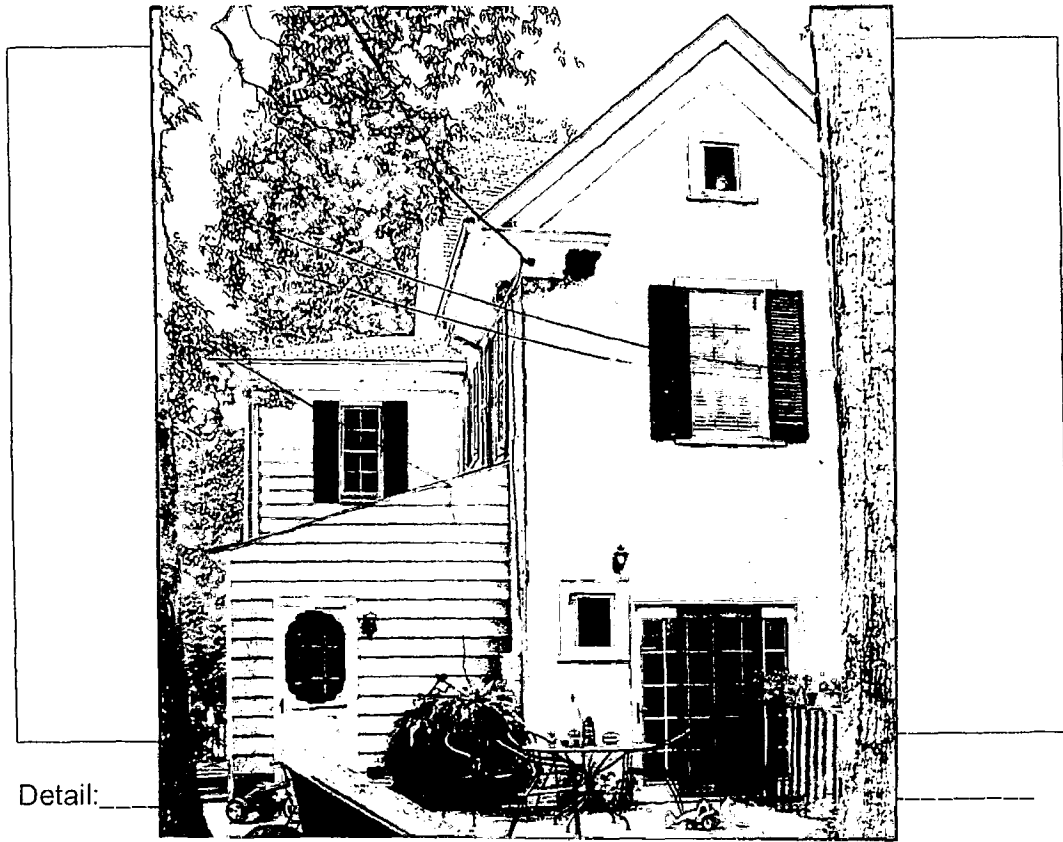
Applicant: _____

Page: ___

Existing Property Condition Photographs (duplicate as needed)



Detail: REAR ELEVATION (NORTH)



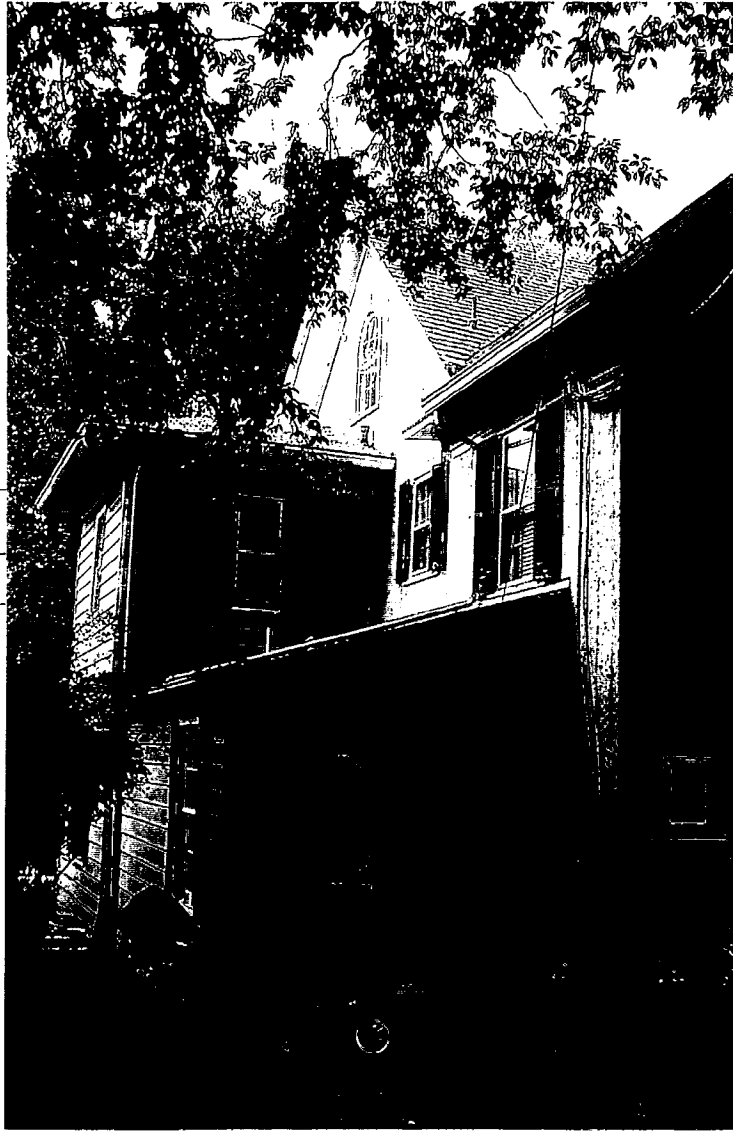
Detail: _____

REAR ELEVATION @ EAST ADDITION

Applicant: _____

Page: _____

Existing Property Condition Photographs (duplicate as needed)



Detail: _____

Detail: EAST SIDE ELEVATION (OBLIQUE)

Applicant: _____

Page: _____

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
301-563-3400

WEDNESDAY
October 25, 2006

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MRO AUDITORIUM
8787 GEORGIA AVENUE
SILVER SPRING, MARYLAND 20910

PLEASE NOTE: The HPC agenda is subject to change any time after printing or during the commission meeting. Please contact the Historic Preservation Commission at the number above to obtain current information. If your application is included on this agenda, you or your representative is expected to attend.

I. HPC WORKSESSION – 7:00 p.m. in Third Floor Conference Room

II. DISCUSSION ITEM – 7:30 p.m. in MRO Auditorium

Little Bennett Regional Park/Hyattstown Historic District Briefing (Rachel Newhouse and Lyn Coleman, Montgomery County Department of Parks, Park Planning and Resource Analysis).

III. HPC GRANTS – 7:45 p.m. in MRO Auditorium

Presentation of 2007 Grant Committee Recommendations

IV. HISTORIC AREA WORK PERMITS – 8:00 p.m. in MRO Auditorium

- A. Robert Josephs (Trevor Draper, Architect) for exterior basement staircase and door installation at 3 Grafton Street, Chevy Chase (HPC Case No. 35/15-05Y **REVISION**) (Chevy Chase Village Historic District).
- B. Jawad Kader for driveway installation at 10912 Montrose Avenue, Garrett Park (HPC Case No. 30/13-06H) (Garrett Park Historic District).
- C. Nichole Lewis for signage at 23341 Frederick Road, Clarksburg (HPC Case No. 13/10-06C) (Clarksburg Historic District).
- D. Duane and Paula Gibson (Paul Locher, Jr, Agent) for addition to 23 West Irving Street, Chevy Chase (HPC Case No. 35/13-06DD) (Chevy Chase Village Historic District).
- E. Robin Heller (David Deckelbaum, Agent) for sidewalk and driveway construction at 19 Grafton Street, Chevy Chase (HPC Case No. 35/13-06EE) (Chevy Chase Village Historic District).

- F. Inan Philips (Amy Stacy, Agent) for rear addition at 35 Columbia Avenue, Takoma Park (HPC Case No. 37/03-06CCC) (Takoma Park Historic District).
- G. Scott Penland for shed installation at 200 Market Street, Brookeville (HPC Case No. 23/65-06B) (Brookeville Historic District).
- H. Rebecca and John Penovich for alterations at 3109 Lee Street, Silver Spring (HPC Case No. 37/07-06O) (Capitol View Park Historic District).
- I. John Urciolo (Jeanne Ha, Agent) for window replacement at 6921 Laurel Avenue, Takoma Park (HPC Case No. 37/03-06DDD) (Takoma Park Historic District).
- J. Ron and Dina Borzekowski for rear addition at 7400 Maple Avenue, Takoma Park (HPC Case No. 37/03-06EEE) (Takoma Park Historic District).
- K. Curtis Rodney for tree removal, fencing, shed installation, and front door replacement at 9723 Capitol View Avenue (HPC Case No. 31/07-06K **RETROACTIVE / CONTINUED**) (Capitol View Park Historic District).

V. PRELIMINARY CONSULTATION - 9:00 p.m. in MRO Auditorium

- A. Jerome Powell (Marc Langhammer, Architect) for alterations and additions at 37 West Lenox Street, Chevy Chase (Chevy Chase Village Historic District).

VI. MINUTES

- A. September 27, 2006

VII. OTHER BUSINESS

- A. Commission Items
- B. Staff Items

VIII. ADJOURNMENT

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
301-563-3400

WEDNESDAY
November 15, 2006

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MRO AUDITORIUM
8787 GEORGIA AVENUE
SILVER SPRING, MARYLAND 20910

PLEASE NOTE: The HPC agenda is subject to change any time after printing or during the commission meeting. Please contact the Historic Preservation Commission at the number above to obtain current information. If your application is included on this agenda, you or your representative is expected to attend.

- I. **HPC WORKSESSION – 7:00 p.m. in Third Floor Conference Room**
- II. **HISTORIC AREA WORK PERMITS – 7:30 p.m. in MRO Auditorium**
 - A. Alex and Catherine Triantis (Jean Treacy, Architect) for rear addition and garage construction at 3706 Bradley Lane, Chevy Chase (HPC Case No. 35/15-06FF) (Chevy Chase Village Historic District).
 - B. Duane and Paula Gibson (Paul Locher, Jr, Agent) for addition at 23 West Irving Street, Chevy Chase (HPC Case No. 35/13-06DD **CONTINUED**) (Chevy Chase Village Historic District).
 - C. David O’Leary & Lisa Covi for window replacement at 500 Albany Avenue, Takoma Park (HPC Case No. 37/03-06FFF) (Takoma Park Historic District).
 - D. Gordon & Michele Bock for deck replacement at 3120 Lee Street, Silver Spring (HPC Case No. 37/03-06P) (Capitol View Park Historic District).
 - E. Dennis & Susan Huffman (Richard Vitullo, AIA) for porch enclosure and window replacement at 9 Montgomery Avenue, Takoma Park (HPC Case No. 37/03-06GGG) (Takoma Park Historic District).
 - F. Julie Boddy (Richard Vitullo, AIA) for window replacement, deck construction, and front porch alterations at 7314 Baltimore Avenue, Takoma Park (HPC Case No. 37/03-06HHH) (Takoma Park Historic District)
 - G. Mr. & Mrs. Lee Jundanian for alterations to approved fencing and pool at 15 West Lenox Street, Chevy Chase (HPC Case No. 35/13-06P **REVISION**) (Chevy Chase Village Historic District).

H. Alban & E.M. Eger for driveway installation at 8314 Old Seven Locks Road, Bethesda (HPC Case No.29/41-06A)(*Master Plan Site# 29/41, Stoneyhurst*)

III. PRELIMINARY CONSULTATION - 8:30 p.m. in MRO Auditorium

- A. Aries Investment Group (Ajay Patel, Agent) for rear addition and site alterations at 23329 Frederick Road, Clarksburg (Clarksburg Historic District)
- B. Mr. & Mrs. Symes (Outerbridge Horsey, AIA) for major addition at 10 Newlands Street, Chevy Chase (Chevy Chase Village Historic District)
- C. Mr. & Mrs. Christopher Landau (Matt MacDonald, Architect) for major addition at 27 Quincy Street, Chevy Chase (Chevy Chase Village Historic District)

IV. SUBDIVISION - 9:00 p.m. in MRO Auditorium

- A. Thomas Magee for site improvements at 22415 Clarksburg Road, Clarksburg (*Master Plan Site # 13/24, Bryne-Warfield House*)

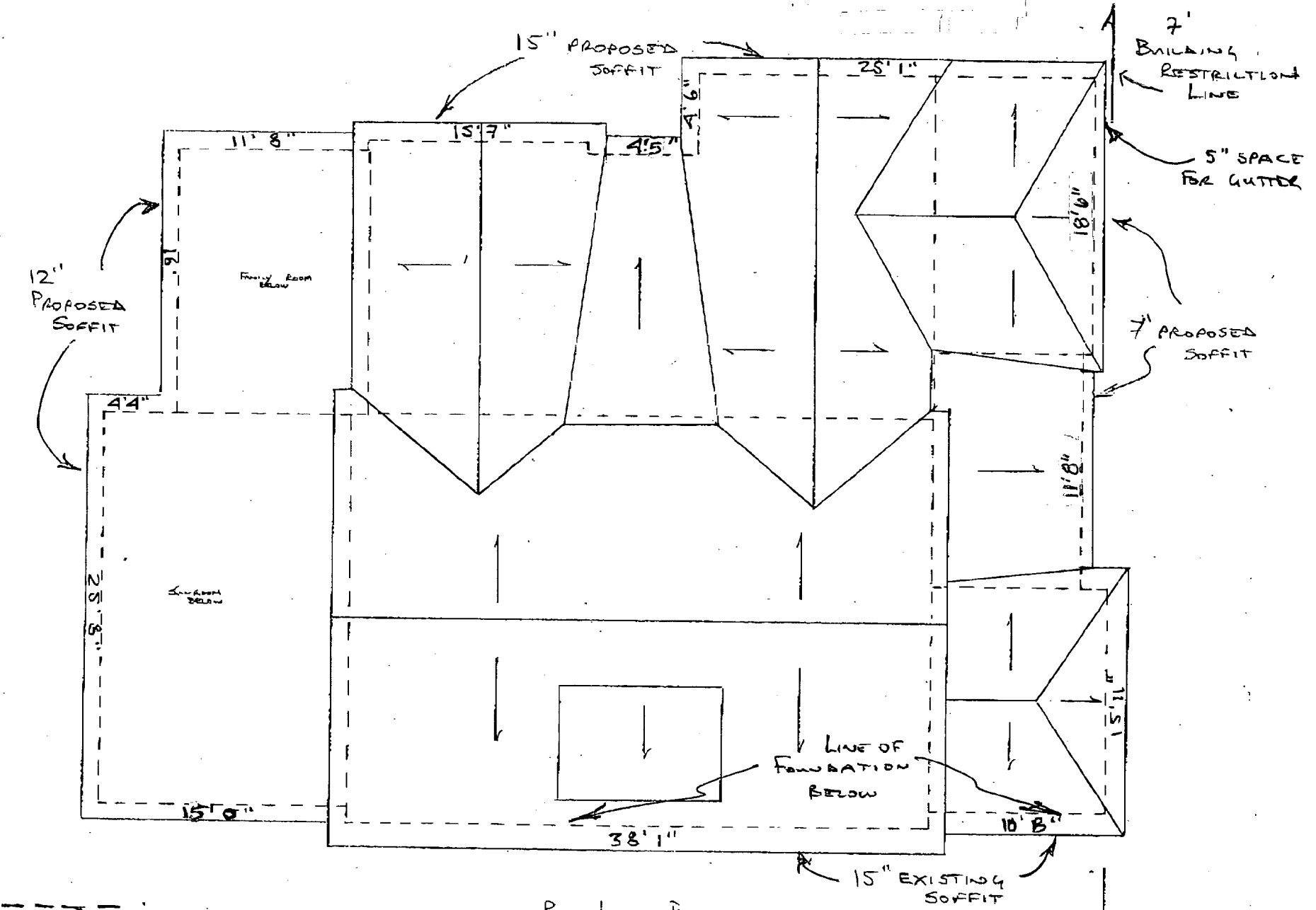
V. MINUTES

- A. October 11, 2006

VI. OTHER BUSINESS

- A. Commission Items
- B. Staff Items

VII. ADJOURNMENT



FOUNDATION LAYOUT LINE

ROOF LAYOUT PLAN
MAIN ROOF

23 WEST IRVING ST.

Scale 1/4" = 1'
(8 1/2 x 11 DRAWING)
(NOT TO SCALE)

11/13/06

SEVES ~ 7" eue 5" gutter 2nd massing.
7" eue 5" gutter hyphen

Roof Plan? shows eue?

Dimensions of Roof plan -

trees - Village arborist

PROPOSING - OCTOBER 25

→ PRIMARILY WILL ANY EYES/NO OFFSET

- Staff report contain

- standards used ~ cc. = s.ect of ent

- arrive @ findings

- LAP support during whole process

- unique character defines features

- returns

- massing

- setbacks

- noncontiguous features

- improve compatibility yet differentiated

Certified
C.C.V. Arkonot -

policy → to defer to them →

Town mngers

- Eves not visible - Offset / 7' to lot line

- Rear yard -

Council of
Staff members
Voted
Unanimously

I can't speak to that
I don't have knowledge
of their thought
process
refer to written
transcripts please

conformance w/
guidelines

adverse impact?

district
streetscape
historic
fabric

lot coverage
goal -

14% - 22%

?