

10 E. Kite
Cream Cheese

H&W 35/13-07 P





HISTORIC PRESERVATION COMMISSION

Isiah Leggett
County Executive

Julia O'Malley
Chairperson

Date: May 10, 2007

MEMORANDUM

TO: Reggie Jetter, Acting Director
Department of Permitting Services

FROM: Anne Fothergill, Senior Planner *AF*
Historic Preservation Section
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #450829, tree removal and replacement and driveway removal

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **Approved with Conditions** at the May 09, 2007 meeting.

1. A landscape plan showing the left side terrace and right side gate will be submitted as a separate HAWP application for HPC approval.

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

Applicant: Byrne and Pamela Murphy
Address: *EAST*
10 Kirke Street, Chevy Chase

This HAWP approval is subject to the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made.





RETURN TO DEPARTMENT OF PERMITTING SERVICES
265 ROCKVILLE PIKE, 2ND FLOOR, ROCKVILLE, MD 20850
241 777 3376

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR
HISTORIC AREA WORK PERMIT

0645 4867
 Tax Account No.: 07 00454867
 Name of Property Owner: Byrne and Pamela Murphy Daytime Phone No.: (301) 654-9775
 Address: 10 East Kirke St. Chevy Chase MD 20815
Street Number City Street Zip Code
 Contractor: _____ Phone No.: _____
 Contractor Registration No.: _____
 Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 10 Street: East Kirke Street
 Town/City: Chevy Chase Nearest Cross Street: Brookville Road
 Lot: 11 Block: 34 Subdivision: Chevy Chase Section II
 Liber: _____ Folio: _____ Parcel: 166760454867 Zone - R-60

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE: CHECK ALL APPLICABLE:
 Construct Extend Alter/Renovate AC Slab Room Addition Porch Deck Shed
 Move Install Wreck/Blaze Solar Fireplace Woodburning Stove Single Family
 Revision Repair Revocable Fence/Wall (complete Section 4) Other: Tree Removal
 1B. Construction cost estimate: \$ 3000
 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.

Pamela B Murphy 4/17/07
Signature of owner or authorized agent Date

Approved: with one condition for Chairperson, Historic Preservation Commission
 Disapproved: _____ Signature: _____ Date: 5-10-07
 Application/Permit No.: 450829 Date Filed: _____ Date Issued: _____

Edit 6/21/99

SEE REVERSE SIDE FOR INSTRUCTIONS

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

1. WRITTEN DESCRIPTION OF PROJECT

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

In addition to commentary, please see Approval of The Board of Managers of Chevy Chase Village.

We received Village approval to remove 25 Hemlock trees of varying diameters located in the front yard of the property. The trees are not in good condition and their roots are penetrating the foundation.

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

We propose to remove the trees in order to reveal our beautiful and historic house, to preserve its foundation, and to replace them with several Hornbeam trees. We are also planting extensively on the entire front of the property.

2. SITE PLAN

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

- the scale, north arrow, and date;
- dimensions of all existing and proposed structures; and
- 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.

- 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.
- 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

- 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.
- 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).

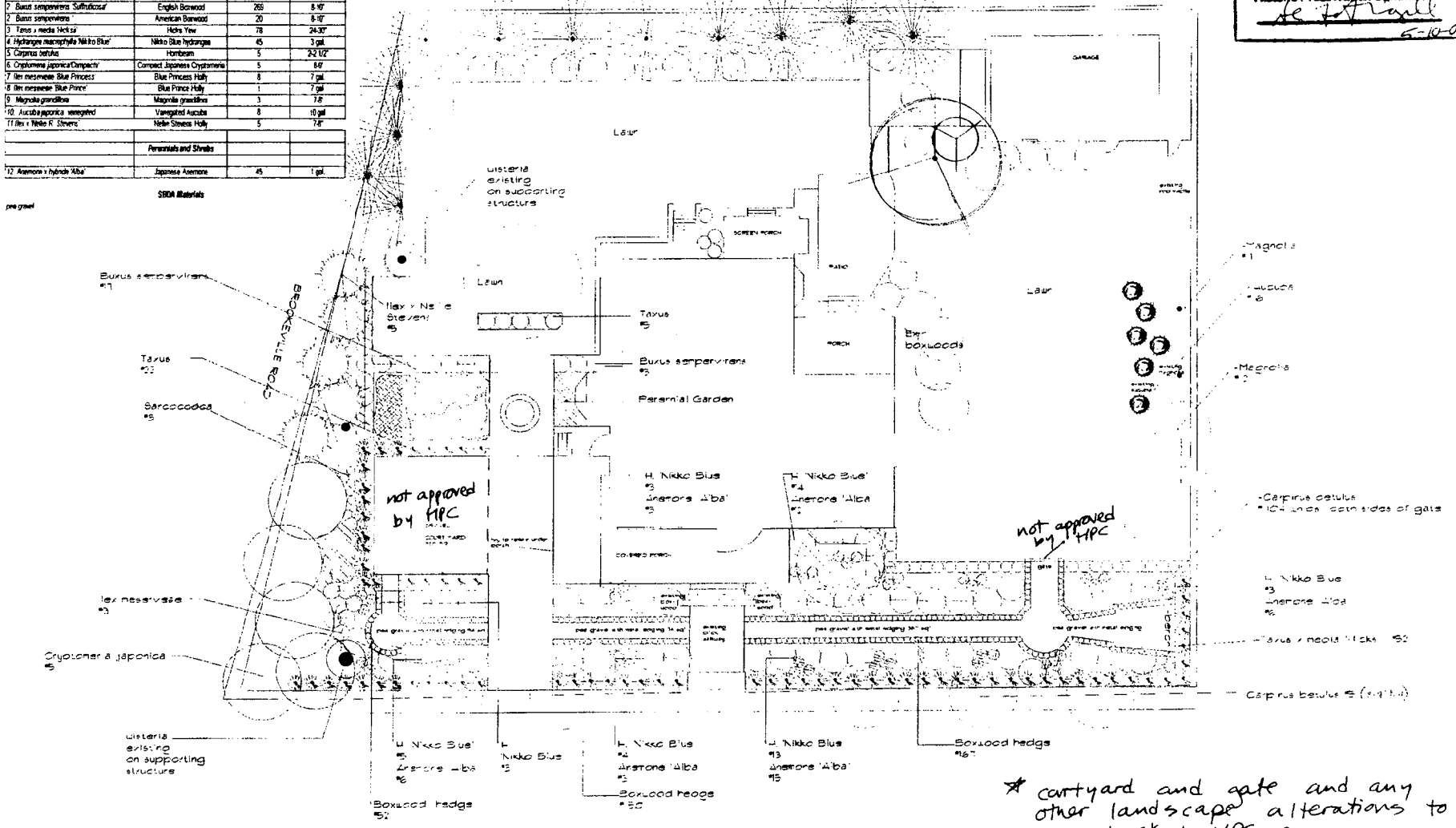
PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.

tree removal and replacement, pea gravel paths, and driveway reduction approved by HPC. *

APPROVED
Montgomery County
Historic Preservation Commission
[Signature]
6-10-07

| PLANT LIST | | | |
|---|----------------------------|----------|----------|
| Latin Name | Common Name | Quantity | Size |
| Trees and Shrubs | | | |
| 1. <i>Carpinus caroliniana</i> | American Hornbeam | 100 | whip |
| 2. <i>Buxus sempervirens 'Suffruticosa'</i> | English Boxwood | 265 | 8-10" |
| 3. <i>Buxus sempervirens</i> | American Boxwood | 20 | 8-10" |
| 4. <i>Taxus media 'Nikko Blue'</i> | Nikko Blue Taxus | 78 | 24-30" |
| 5. <i>Carpinus betulus</i> | Hornbeam | 5 | 2-2 1/2" |
| 6. <i>Crataegus japonica 'Compacta'</i> | Compact Japanese Crataegus | 5 | 6-8" |
| 7. <i>Ilex mesaeensis 'Blue Princess'</i> | Blue Princess Holly | 8 | 7 gal. |
| 8. <i>Ilex mesaeensis 'Blue Prince'</i> | Blue Prince Holly | 1 | 7 gal. |
| 9. <i>Magnolia grandifolia</i> | Magnolia grandifolia | 3 | 7.6" |
| 10. <i>Aucuba japonica 'variegated'</i> | Variegated Aucuba | 8 | 10 gal. |
| 11. <i>Ilex 'Nikko Blue'</i> | Nikko Blue Holly | 5 | 7.6" |
| Perennials and Shrubs | | | |
| 12. <i>Anemone 'hybrida Alba'</i> | Japanese Anemone | 45 | 1 gal. |

SBDA Materials
peg gravel



SCC
BRINITZ
DESIG
ASSOCIAT
9275 Weller Road
Arlington, VA 22205
703.850.1111
703.850.1112

MURPHY RESIDENCE
10 EAST KIRKE STREET
CHEVY CHASE, MD 20815

PLANTING PLAN
SCALE: 1/8" = 1'-0"
FEBRUARY 16, 2007
REVISIONS

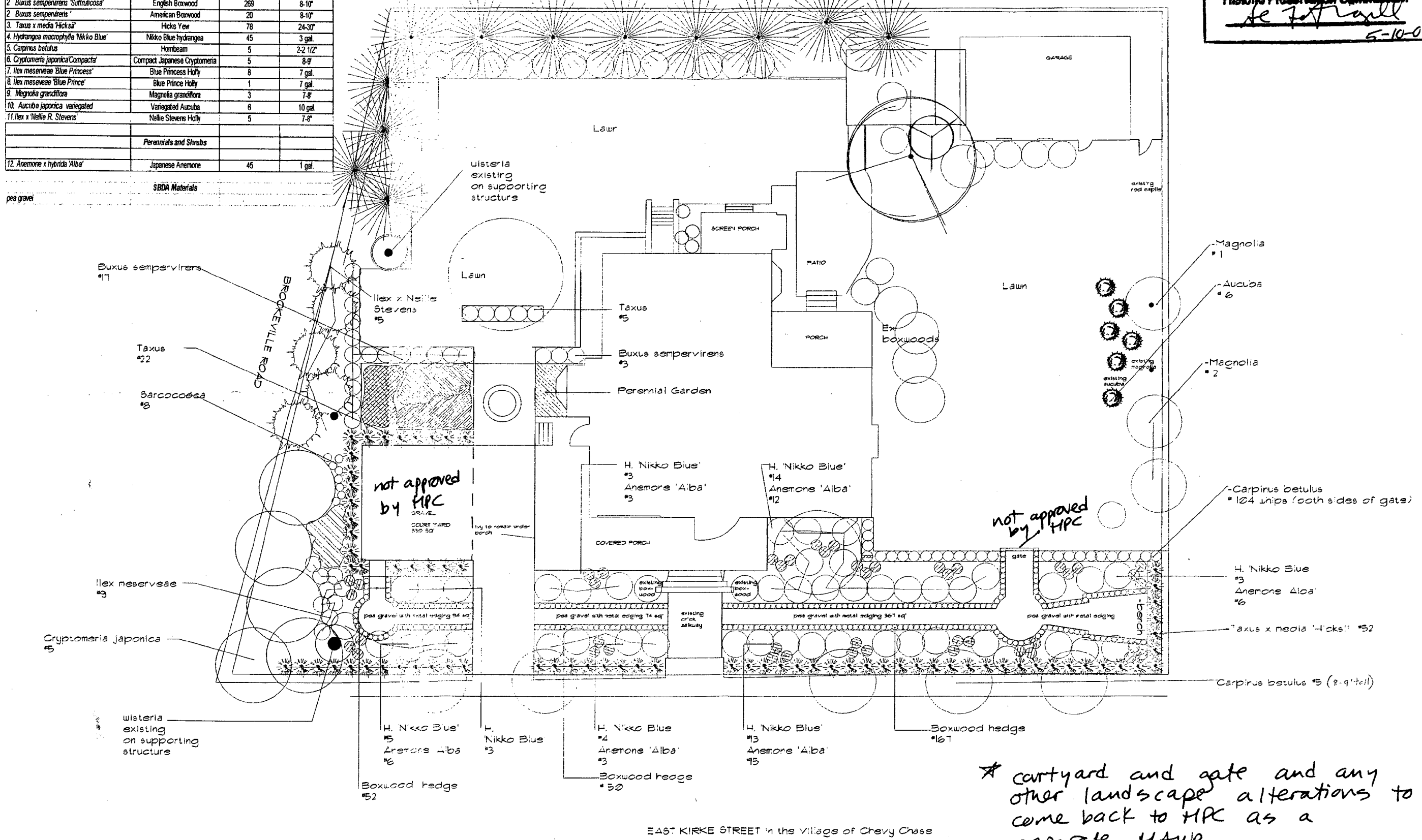
* courtyard and gate and any other landscape alterations to come back to HPC as a separate HAWP

tree removal and replacement, pea gravel paths, and driveway reduction approved by MPC.*

APPROVED
Montgomery County
Historic Preservation Commission
De F. [Signature]
5-10-07

| PLANT LIST | | | |
|--|------------------------------|----------|----------|
| Latin Name | Common Name | Quantity | Size |
| Trees and Shrubs | | | |
| 1. <i>Carpinus caroliniana</i> | American Hornbeam | 100 | whip |
| 2. <i>Buxus sempervirens 'Suffruticosa'</i> | English Boxwood | 269 | 8-10" |
| 2. <i>Buxus sempervirens</i> | American Boxwood | 20 | 8-10" |
| 3. <i>Taxus x media 'Hicksii'</i> | Hicks Yew | 78 | 24-30" |
| 4. <i>Hydrangea macrophylla 'Nikko Blue'</i> | Nikko Blue hydrangea | 45 | 3 gal. |
| 5. <i>Carpinus betulus</i> | Hornbeam | 5 | 2-2 1/2" |
| 6. <i>Cryptomeria japonica Compacta</i> | Compact Japanese Cryptomeria | 5 | 8-9" |
| 7. <i>Ilex meserveae 'Blue Princess'</i> | Blue Princess Holly | 8 | 7 gal. |
| 8. <i>Ilex meserveae 'Blue Prince'</i> | Blue Prince Holly | 1 | 7 gal. |
| 9. <i>Magnolia grandiflora</i> | Magnolia grandiflora | 3 | 7-8" |
| 10. <i>Aucuba japonica variegated</i> | Variegated Aucuba | 6 | 10 gal. |
| 11. <i>Ilex x 'Nellie R. Stevens'</i> | Nellie Stevens Holly | 5 | 7-8" |
| Perennials and Shrubs | | | |
| 12. <i>Anemone x hybrida 'Alba'</i> | Japanese Anemone | 45 | 1 gal. |

SBDA Materials
pea gravel

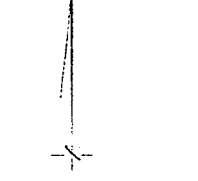


SCOTT
BRINITZER
DESIGN
ASSOCIATES
927 S. Walter Reed Drive
Arlington, VA 22204-2311
703.892.026
703.892.414

MURPHY RESIDENCE
10 EAST KIRKE STREET
CHEVY CHASE, MD 20815

PLANTING PLAN

SCALE: 1/8" = 1'-0"



FEBRUARY 16, 2007

REVISIONS

* courtyard and gate and any other landscape alterations to come back to MPC as a separate HAWP

EAST KIRKE STREET in the Village of Chevy Chase

Fothergill, Anne

From: Bourke, Tom (Winchester Homes, Inc.)(Tom) [tom.bourke@whihomes.com]
Sent: Wednesday, May 09, 2007 3:28 PM
To: Fothergill, Anne; Oaks, Michele
Cc: Biddle, Geoff; Bob Elliott; Bourke email file; FeldmanGS@aol.com; abjdoe@gmail.com; Jacobs c/o angela muckenfuss; r.marshes@verizon.net; Stephens, Betsy; Wellington, P. (ccv)
Subject: 10 E Kirke; 14 Oxford; consults on 1 W Melrose; 32 W Kirke

The following are the comments of the Chevy Chase Village Local Advisory Panel for items on the HPC agenda for 5/9/07:

1 E Kirke:

Outstanding Resource
tree removal, driveway alteration, gate installation

Staff recommends approval with one condition that side courtyard be submitted for staff-only review. LAP concurs with staff recommendation. We do note however that a Village approval may be required for tree removal, and this is not part of the LAP review.

14 Oxford

Contributing Resource
alterations on detached garage and construct rear porch

Staff recommends approval with conditions requiring coordination with CCV arborist and comment on porch flooring.
LAP concurs with recommendation for approval. However, given that the addition is in the rear, the LAP is not concerned with the porch flooring and would support a very lenient review giving the applicant maximum flexibility for a durable, workable solution.

Preliminary consultations on 1 W Melrose; 32 W Kirke:

1 W Melrose

Contributing Resource
addition to north side of house

LAP concurs with Staff comments which appear to be thoughtful and reasonable.
We recognize that the addition is on the north side of the house which has become functionally the rear of the house although it does face Connecticut Avenue. We further note that the addition is of low scale and should have minimal impact on the Connecticut Avenue side - given the extensive landscaping.
If tree removal should become necessary, it will require Village approval. We note also that the screening of the house changes from Connecticut Avenue figured into our approval of this as essentially a "rear" addition and hopefully this screening will remain.

32 W Kirke

Contributing Resource
Proposal to construct rear addition

LAP is representative of a cross-section of the Village and as such does not always reach consensus. In this case 4 of the members concurred with staff. They felt that while we generally try to limit our comments with respect to rear additions which are not very visible from the street, the proposed addition does appear to substantially increase lot coverage and does begin to have an impact on the "open park-

like setting" referred to in the Guidelines.

3 of the responding members felt that proposed lot coverage, 27.2%, is well below Village regulations and below many of the houses in the neighborhood, and does not impact the "park-like setting" criteria. Our regulations currently specify a maximum of 35% lot coverage, and although the Village may modify this regulation in the future, that is the current regulation.

Submitted for the LAP by
Tom Bourke
Chair

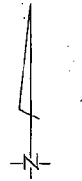
01/21

SCOTT BRINITZER DESIGN ASSOCIATES
927 S. Walter Reed Drive
Arlington, VA 22204-2311
703.892.0266
F 703.892.4140

MURPHY RESIDENCE
10 EAST KIRKE STREET
CHEVY CHASE, MD 20815

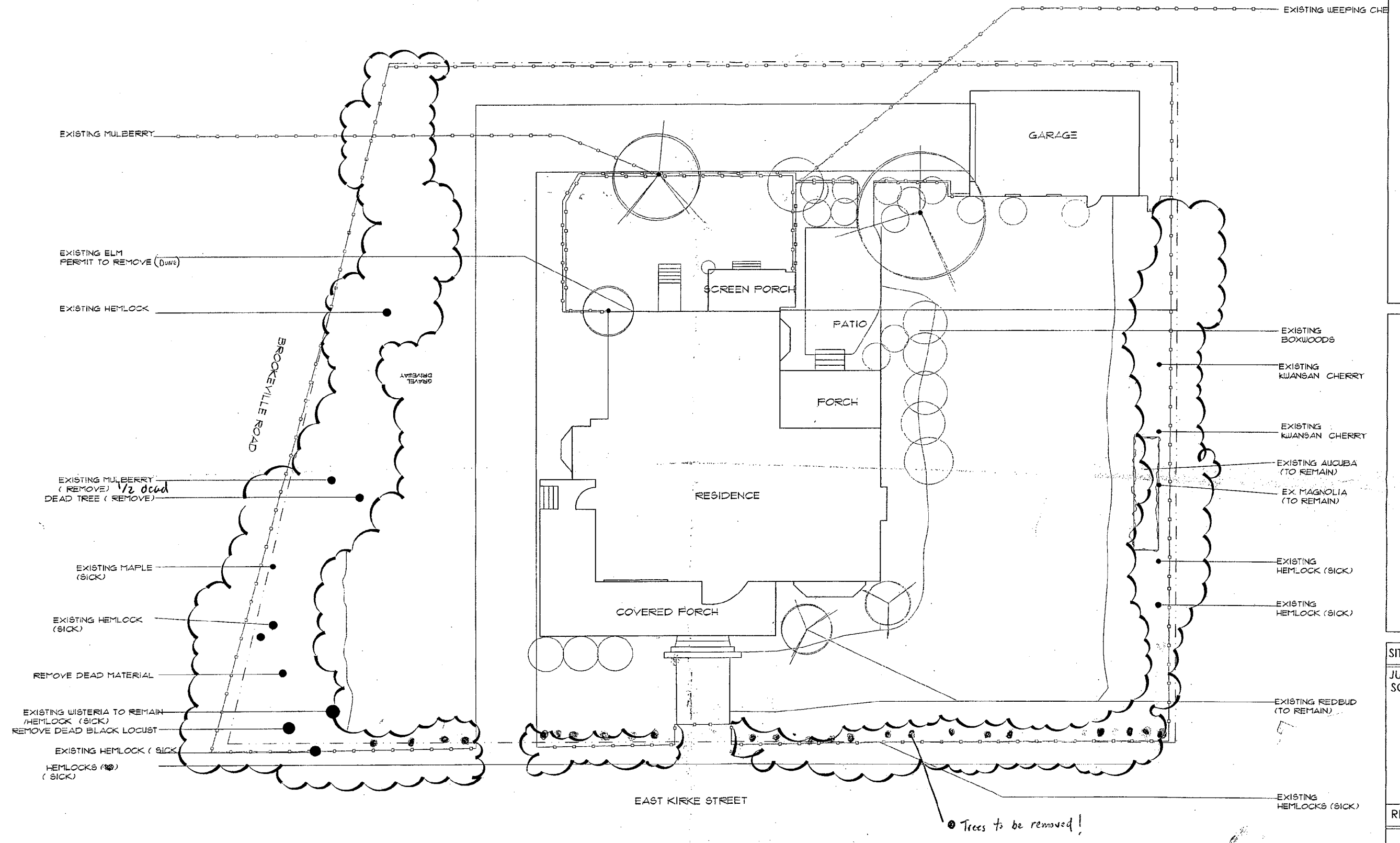
SITE ANALYSIS

JUNE 20, 2006
SCALE: 1/8" = 1'



REVISIONS

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| |



EXISTING MULBERRY

EXISTING ELM
PERMIT TO REMOVE (DUNE)

EXISTING HEMLOCK

BROOKVILLE ROAD

DRIVEWAY

EXISTING MULBERRY
(REMOVE) 1/2 dead
DEAD TREE (REMOVE)

EXISTING MAPLE
(SICK)

EXISTING HEMLOCK
(SICK)

REMOVE DEAD MATERIAL

EXISTING WISTERIA TO REMAIN
HEMLOCK (SICK)
REMOVE DEAD BLACK LOCUST

EXISTING HEMLOCK (SICK)

HEMLOCKS (SICK)

RESIDENCE

COVERED PORCH

SCREEN PORCH

PORCH

PATIO

GARAGE

EAST KIRKE STREET

EXISTING WEeping CHE...

EXISTING BOXWOODS

EXISTING KWANSAN CHERRY

EXISTING KWANSAN CHERRY

EXISTING AUCUBA
(TO REMAIN)

EX. MAGNOLIA
(TO REMAIN)

EXISTING HEMLOCK (SICK)

EXISTING HEMLOCK (SICK)

EXISTING REDBUD
(TO REMAIN)

EXISTING HEMLOCKS (SICK)

Trees to be removed!

CASE NO. A-1609(a) through (y)
Appeal of Mr. and Mrs. James Byrne Murphy
(Hearing held March 12, 2007)

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 twenty-five (25) Hemlock trees of varying diameters located in the front yard of the property. 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 known as Lot 11, Lot 12, and part of Lot 13 in Block 34, in the "Chevy Chase, Section 2" subdivision, also known as 10 East Kirke Street, Chevy Chase, Maryland 20815. 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 March 1, 2007.

Summary of Evidence

The applicants submitted an application, a letter prepared by a professional architect describing a problematic drainage issue on the property, a drawing denoting the location of the subject trees in relation to improvements on the applicants' property and the public right-of-

way, a drawing depicting the location of existing trees, a landscape plan showing the location of proposed replacement trees, two photographs depicting the location of the trees in relation to the applicants' house, two photographs showing water damage in the applicants' basement, and a letter explaining the basis for the applicants' request. A tree inspection report, prepared by the Village Arborist, was submitted for the record. Photographs taken by Village staff showing the appearance and location of the trees were entered into the record of this matter.

In the tree inspection report, the applicants represent that their landscape architect has found that the subject trees are infested by wooly adelgid and that reversing the damage to the trees caused by the infestation may not be possible. The applicants' letter in support of the application and the landscape plan reflect that the applicants propose to reforest with at least five (5) Hornbeam (*Carpinus betulus*) trees. The letter contains the following representations:

We moved to East Kirke Street 2 and a half years ago from England. Upon arrival, we pruned the trees to be able to walk into the entrance without ducking. It surprised us that the trees had been allowed to grow to hide one of the most beautiful houses in the Village. We noted that the tree cover provided by the deciduous trees just off the street belonging to the Village was beautiful but that we can't see those trees from our house because of the hemlocks.

Because the hemlocks have been shaded by the Village trees and the house, and crowded by each other, many branches do not have needles leading to a[n] unhealthy and unkempt appearance of the trees. In addition, they have a disease which detracts from their appearance. No grass will grow between the hedge and the house so it often a mud pool (sic). The trunks of the trees in front are 15 feet from our front steps with the branches arching much closer than that. Also, contractors and landscape architects have told us that these trees contribute to the water damage in our basement.

The applicants submitted a letter from Cherie Mohr, AIA, of Gardner Mohr Architects LLC. In her letter, Ms. Mohr asserts that there is a very large crack in the southeast corner of the foundation of the applicants' house which seems to have been caused

by the large tree growing next to the foundation. According to Ms. Mohr, the crack has worsened over the past 15 months and will continue to worsen as the tree grows. Ms. Mohr stated that the tree can cause severe insect damage to the upper portion of the house if allowed to be in contact with it. Additionally, Ms. Mohr stated that she observed a steady flow of water and soil through pervasive cracks in the north foundation wall caused by positive hydrostatic pressure from water collecting next to the foundation. Ms. Mohr asserted that water is “ponding” between the house and the row of trees at the property line. She explained that the trees create a natural dam that traps water in the summer and allows a thick sheet of ice to form in the winter, indicating that a large quantity of water is collecting next to the foundation. She recommended altering the grade of the property which would require removal of the subject Hemlock trees.

At the hearing, Mr. Murphy appeared and testified that the applicants wish to remove the subject trees because their roots are penetrating the foundation of the applicants’ house and causing water damage to the basement. Mr. Murphy presented photographs showing water damage and mud infiltration in the basement that the applicants contend is the result of the exterior water pressure and resultant crack in their house’s foundation. Mr. Murphy explained that the applicants intend to implement a new landscaping plan. He represented that the subject trees, located along the East Kirke Street lot line and east corner of the applicants’ lot, act as a hedge and shield the house from view. Mr. Murphy explained that the applicants wish to unveil a view of the architecturally significant house by removing the subject trees. He explained that the applicants propose to reforest with trees that would provide a better canopy while also providing greater visibility to and from the East Kirke Street public right-of-way. He asserted that his neighbors do not object to the request to remove the subject

trees. Mr. Murphy represented that one neighbor stated that she has waited thirty years for the trees to be removed so that the applicants' attractive house would be visible.

The Village Tree Committee did not submit any objection to the removal of the twenty-five (25) Hemlock trees.

No testimony or other evidence 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 a conclusion that the subject trees are seriously diseased or dying, or in danger of falling. Although not diseased or dying, the evidence reveals that the subject trees are infested by wooly adelgid. Although there is evidence that some of the trees are close to existing structures and may at some point in the future pose a risk, there is insufficient evidence to find that the trees currently 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 trees.

The applicants propose to remove the trees to prevent the accumulation of water near their house's foundation and to avoid further water damage to their basement. The applicants propose to implement a new landscaping plan that would include at least five new canopy trees and other plantings. The applicants' landscaping plan would enhance the tree canopy and improve the urban forest to a greater extent than would preserving the twenty-five (25) Hemlock trees, which are not particularly desirable.

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.

Other than the applicants, no residents in favor of or in opposition to the issuance of the tree removal permit submitted any written or oral evidence. The Village Tree Committee did not submit any objection to the proposed removal of the twenty-five (25) Hemlock trees.

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, and the report submitted by the Village arborist, the Board finds that removal of the subject trees is necessary to facilitate the applicants' landscaping plan which is otherwise permitted by the Village Code. The Board further finds that it would be impractical and difficult to preserve the subject Hemlock trees, which are not particularly desirable, while also assuring the healthy development of the new canopy trees proposed by the applicants in their landscaping plan. Thus, if the applicants are to implement the landscaping plan as proposed, there is no reasonable alternative to the removal of the subject trees.

Sec. 17-6(e) Whether the applicants propose reforestation.

The applicants propose reforestation with at least five (5) Hornbeam (*Carpinus betulus*) trees and other plantings as shown on the landscape plan submitted for the record.

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

The applicants propose to maintain all other canopy trees on the subject property and to reforest. Requiring the applicants to forego implementation of a landscaping plan that is otherwise in full compliance with the Village Code and that would address the applicants' problematic water drainage issue, in an attempt to save the subject Hemlock trees, which are

not particularly desirable, where there are other mature canopy trees on the subject property and where the applicants propose to reforest with more desirable canopy trees, 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 large enough in circumference to be protected by the Village Urban Forest ordinance, the twenty-five (25) Hemlock trees are not otherwise remarkable and do not significantly contribute to the Village tree canopy. The evidence reveals that the subject trees are infested by wooly adelgid and reversing the damage to the trees may not be possible. The Board finds that, given all of the facts and circumstances of this case, the subject 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 subject trees 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 twenty-five (25) Hemlock trees 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 twenty-five (25) Hemlock trees of various diameters located in the front yard of the property, is granted, provided however that:

1. the trees must be removed on or before March 12, 2008, or this permit shall become void;
2. the applicants must reforest with at least five (5) Hornbeam (*Carpinus betulus*) trees as shown in their landscape plan, or with at least five (5) deciduous hardwood canopy trees, 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
3. the installation of the reforestation trees shall be completed on or before March 12, 2008, and such trees shall be considered reforestation trees subject to regulation under the Village Urban Forest Ordinance.

Resolution

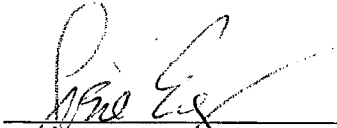
The Chevy Chase Village Board of Managers hereby adopts the following

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 twenty-five (25) Hemlock trees of various diameters located in the front yard of the property, 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 22nd day of March, 2007.



Susie Eig, Secretary
Board of Managers

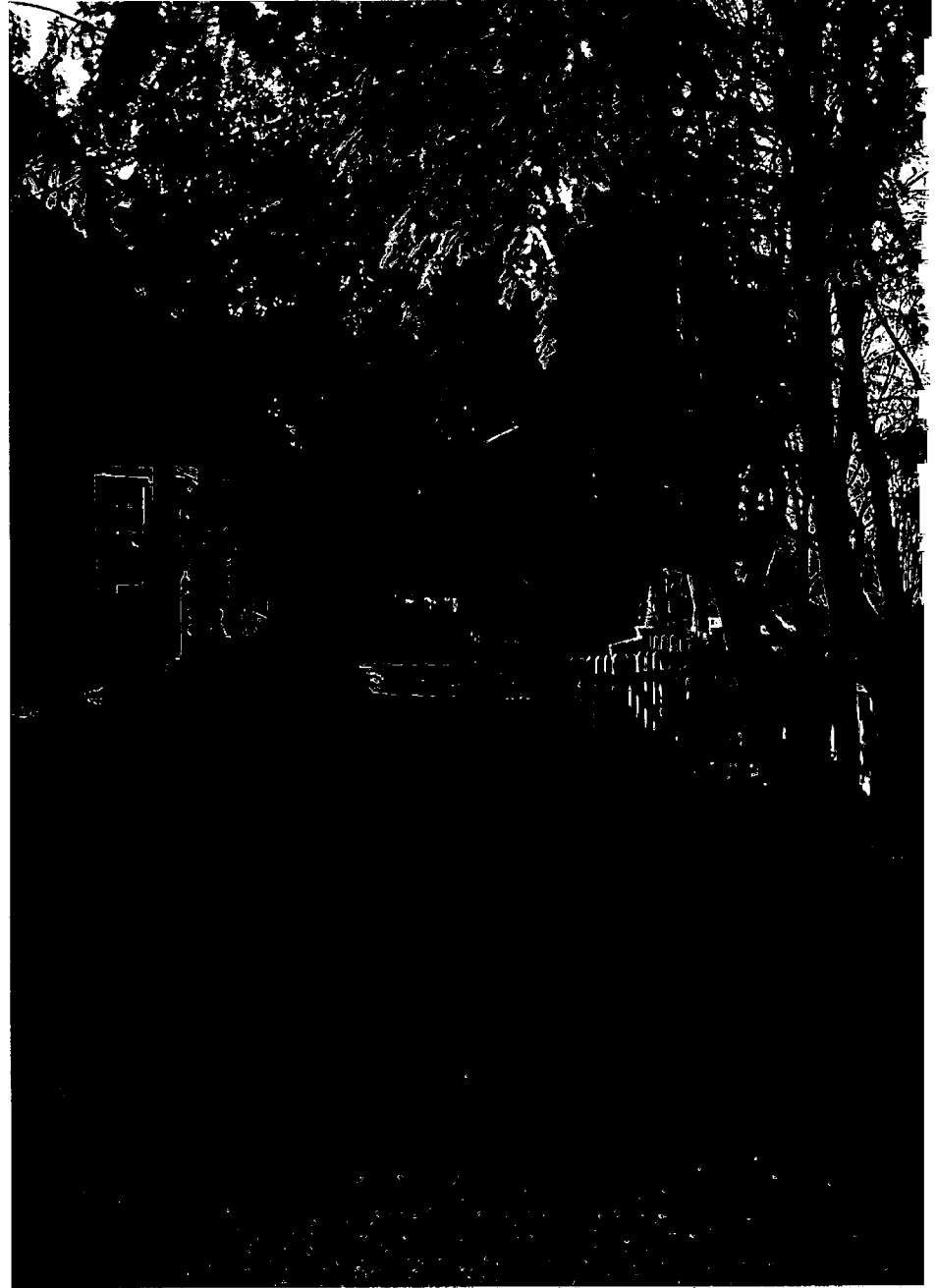
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HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING
 [Owner, Owner's Agent, Adjacent and Confronting Property Owners]

| | |
|--|--|
| <p>Owner's mailing address</p> <p>10 East Kirke Street Chevy Chase MD. 20315</p> | <p>Owner's Agent's mailing address</p> |
| <p align="center">Adjacent and confronting Property Owners mailing addresses</p> | |
| <p>6 East Kirke St.</p> <p>Thomas and Barbara Boggs</p> | <p>7 East Kirke St</p> <p>Jud and Janet Parmar</p> |
| <p>9 East Kirke St.</p> <p>Christopher and Kathleen Matthias</p> | <p>11 East Kirke St</p> <p>Arch and Gina Campbell</p> |
| <p>101 East Kirke St</p> <p>Richard and Joan Marsh</p> | <p>102 East Kirke St</p> <p>Margaret and Antonio Adelfio</p> |

All neighbors were contacted by Chevy Chase Village.





HISTORIC PRESERVATION COMMISSION STAFF REPORT

| | | | |
|------------------------|---|-----------------------|-----------------|
| Address: | 10 East Kirke Street, Chevy Chase | Meeting Date: | 05/09/07 |
| Applicant: | Byrne and Pamela Murphy | Report Date: | 05/02/07 |
| Resource: | Outstanding Resource Chevy Chase Village Historic District | Public Notice: | 04/25/07 |
| Review: | HAWP | Tax Credit: | None |
| Case Number: | 35/13-07P | Staff: | Anne Fothergill |
| PROPOSAL: | Tree removal and replacement, driveway alterations, and gate installation | | |
| RECOMMENDATION: | Approval with one condition | | |

STAFF RECOMMENDATION

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

1. The applicant will submit a final plan for the side courtyard to be reviewed and approved at the staff level.

PROJECT DESCRIPTION

SIGNIFICANCE: Outstanding Resource in the Chevy Chase Village Historic District
STYLE: Colonial Revival
DATE: c. 1892-1916

PROPOSAL

The applicants are proposing to remove 25 diseased hemlocks that are along the front property line of the house. The roots are causing foundation problems to the house and contributing to drainage issues. They propose to plant five Hornbeam trees in front of the house as well as numerous other trees and shrubs as part of their landscape plan shown in Circle _____. On March 12, 2007 the Chevy Chase Village Board of Managers approved the tree removal and replacement as complying with the Village Urban Forest Ordinance.

Also shown in the landscape plan, the driveway will be removed from behind the house to create a rear lawn. There will be a narrow pea gravel path in front of the house leading from the driveway to the front door and to a 4' tall wood picket gate at the right side lawn.

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Chevy Chase Village Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the historic preservation review guidelines in the approved and adopted amendment for

the *Chevy Chase Village Historic District (Guidelines)*, *Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

Chevy Chase Village Historic District

The *Guidelines* break down specific projects into three levels of review - Lenient, Moderate and Strict Scrutiny.

“**Lenient Scrutiny**” means that the emphasis of the review should be on issues of general massing and scale, and compatibility with the surrounding streetscape, and should allow for a very liberal interpretation of preservation rules. Most changes should be permitted unless there are major problems with massing, scale or compatibility.

“**Moderate Scrutiny**” involves a higher standard of review than “lenient scrutiny.” Besides issues of massing, scale and compatibility, preserving the integrity of the resource is taken into account. Alterations should be designed so that the altered structure still contributes to the district. Use of compatible new materials, rather than the original building materials, should be permitted. Planned changes should be compatible with the structure’s existing design, but should not be required to replicate its architectural style.

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

Specifically, the *Guidelines* state:

- o Driveways should be subject to strict scrutiny only with regard to their impact on landscaping, particularly mature trees. In all other respects, driveways should be subject to lenient scrutiny. Parking pads and other paving in front yards should be discouraged.
- o Tree removal should be subject to strict scrutiny and consistent with the Chevy Chase Village Urban Forest Ordinance.

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.

In the case of an application for work on a historic resource located within a historic district, the Commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value surrounding historic resources or would impair the character of the historic district.

Secretary of the Interior's Standards for Rehabilitation:

2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

STAFF DISCUSSION

The trees are causing damage to the historic house, which is an Outstanding Resource. The Chevy Chase Village Board has determined that the proposed tree removal and replacement complies with their Urban Forest Ordinance. Staff is recommending approval of the proposed tree removal and replacement plan.

Staff supports the driveway reduction and notes that at first glance the proposed gravel courtyard appeared to be a two-car parking pad. However, staff has confirmed with the applicant that their intention is some sort of a courtyard or play area for their children and they have not fully determined their vision for this area. For this reason, staff is recommending that the proposal for that area come back to staff when it is finalized. Staff has conveyed to the applicant that a parking pad at the front side of the house would not be supported.

Staff is recommending approval of the landscape plan with one condition.

STAFF RECOMMENDATION

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

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

and with the general condition that the applicant shall present the **3 permit sets of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping** prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

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

A



RETURN TO DEPARTMENT OF PERMITTING SERVICES 165 ROCKVILLE PIKE, 2ND FLOOR, ROCKVILLE, MD 20850 410-777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION 301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Pamela Murphy
Daytime Phone No.: (301) 654-9775
Tax Account No.: 0645 4867
Name of Property Owner: Byrne and Pamela Murphy
Address: 10 East Kirke St. Chevy Chase MD 20815

LOCATION OF BUILDING/PREMISE

House Number: 10 Street: East Kirke Street
Town/City: Chevy Chase Nearest Cross Street: Brookville Road
Lot: 11 Block: 34 Subdivision: Chevy Chase Section II
Parcel: 166760454867 Zone - R-60

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE: Construct, Extend, Alter/Renovate, Move, Installation, Wreck/Raze, Revision, Repair, Reversible, etc.
1B. Construction cost estimator: \$ 3000
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.

Signature of owner or authorized agent: Pamela B Murphy Date: 4/17/07

Approved: For Chairperson, Historic Preservation Commission
Disapproved: Signature: Date:
Application/Permit No.: 450829 Date Filed: Date Issued:

Edit 6/21/99

SEE REVERSE SIDE FOR INSTRUCTIONS

4

**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:

In addition to commentary, please see Approval of The Board of Managers of Chevy Chase Village.

We received Village approval to remove 25 Hemlock trees of varying diameters located in the front yard of the property. The trees are not in good condition and their roots are penetrating the foundation.

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

We propose to remove the trees in order to reveal our beautiful and historic house, to preserve its foundation, and to replace them with several Hornbeam trees. We are also planting extensively on the entire front of the property.

2. SITE PLAN

Site and environmental setting, drawn to scale. You may use your plot. 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.

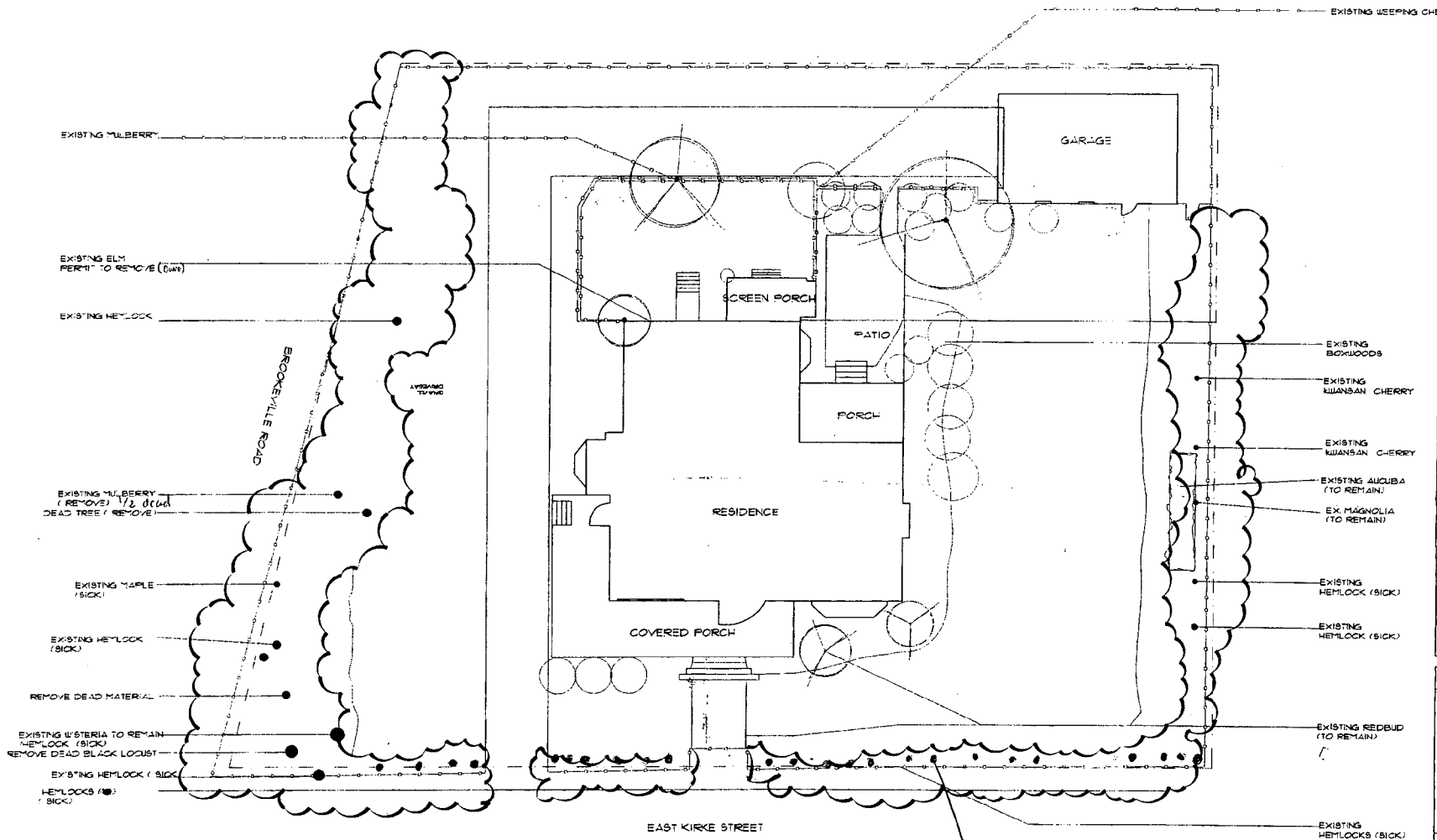
6. TREE SURVEY

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.



SCOTT
BRINITZER
DESIGN
ASSOCIATES
927 S. Water Reed Drive
Arlington, VA 22204-2311
703.892.0284
F 703.892.4140

MURPHY RESIDENCE
10 EAST KIRKE STREET
CHEVY CHASE, MD 20815

SITE ANALYSIS
JUNE 20, 2006
SCALE: 1/8" = 1'

| REVISIONS |
|-----------|
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| |
| |

- EXISTING MULBERRY
- EXISTING ELM PER 1" TO REMOVE (DWP)
- EXISTING HEMLOCK
- EXISTING 1/2 MULBERRY (REMOVE) 1/2 DEAD DEAD TREE (REMOVE)
- EXISTING MAPLE (SICK)
- EXISTING HEMLOCK (SICK)
- REMOVE DEAD MATERIAL
- EXISTING NISPERIA TO REMAIN (SICK)
- REMOVE DEAD BLACK LOCUST
- EXISTING HEMLOCK (SICK)
- HEMLOCKS (SICK)

- EXISTING BOXWOODS
- EXISTING KWANSAN CHERRY
- EXISTING KWANSAN CHERRY
- EXISTING AUCUBA (TO REMAIN)
- EX. MAGNOLIA (TO REMAIN)
- EXISTING HEMLOCK (SICK)
- EXISTING HEMLOCK (SICK)
- EXISTING REDBUD (TO REMAIN)
- EXISTING HEMLOCKS (SICK)

• Trees to be removed!

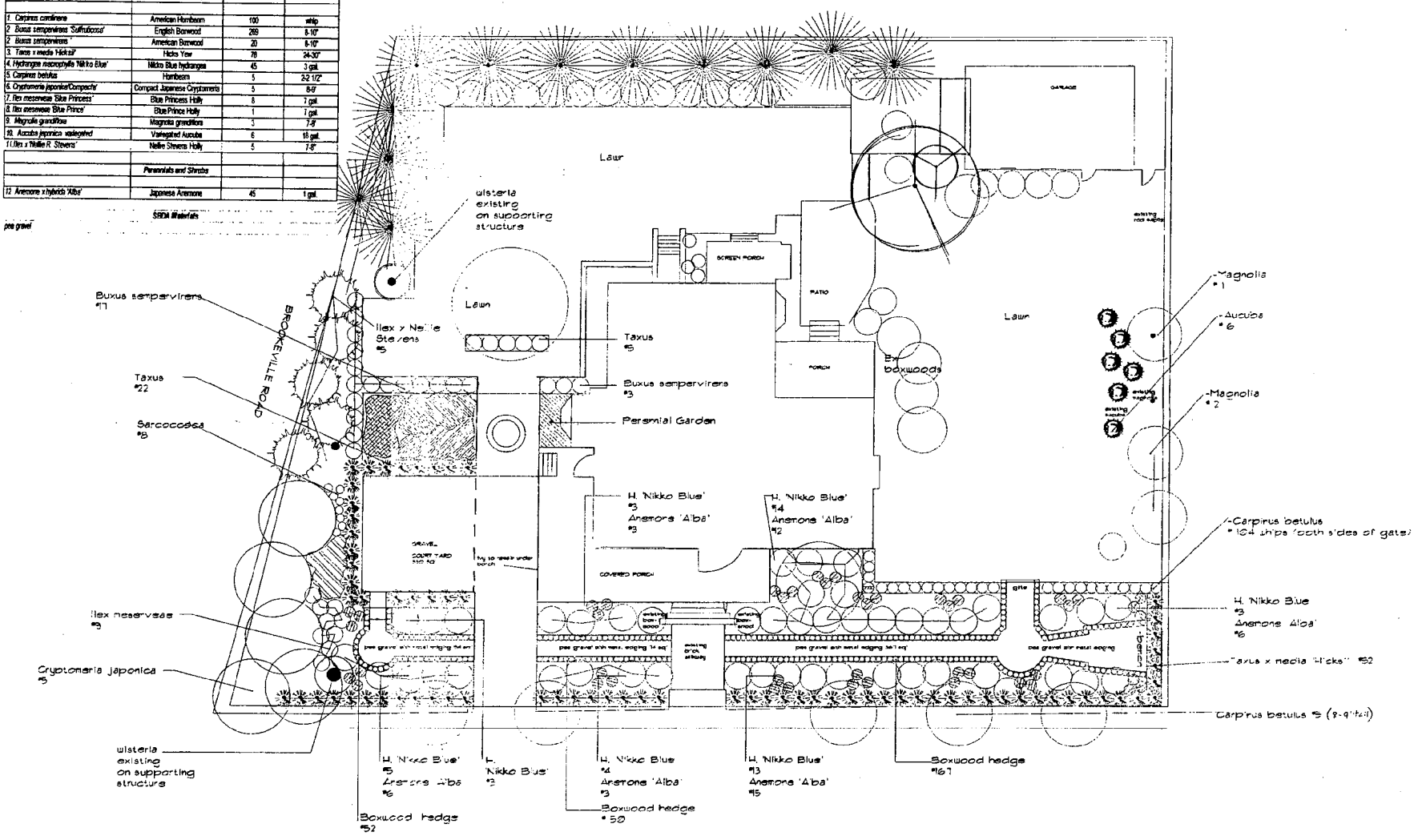
EXISTING

9

| PLANT LIST | | | |
|--|-------------------------------|----------|---------|
| Latin Name | Common Name | Quantity | Size |
| Trees and Shrubs | | | |
| 1. <i>Carpinus cordata</i> | American Hornbeam | 100 | whip |
| 2. <i>Buxus sempervirens</i> 'Suffruticosa' | English Boxwood | 269 | 6-10" |
| 2. <i>Buxus sempervirens</i> | American Boxwood | 20 | 6-10" |
| 3. <i>Taxus x media</i> 'Hicks' | Hicks Yew | 78 | 24-30" |
| 4. <i>Hydrangea macrophylla</i> 'Nikko Blue' | Nikko Blue Hydrangea | 45 | 3 gal. |
| 5. <i>Campanula</i> | Flowerbell | 5 | 22 1/2" |
| 6. <i>Oryzomys japonica</i> 'Compacta' | Compact Japanese Ornithogloss | 3 | 8-9" |
| 7. <i>Ilex meserveae</i> 'Blue Princess' | Blue Princess Holly | 8 | 1 gal. |
| 8. <i>Ilex meserveae</i> 'Blue Prince' | Blue Prince Holly | 1 | 1 gal. |
| 9. <i>Magnolia grandiflora</i> | Magnolia grandiflora | 3 | 7-8" |
| 10. <i>Aucuba japonica</i> 'waxiegated' | Waxiegated Aucuba | 6 | 18 gal. |
| 11. <i>Ilex x 'Nellie R. Stevens'</i> | Nellie Stevens Holly | 5 | 7-8" |
| Perennials and Shrubs | | | |
| 12. <i>Anemone x hybrid</i> 'Alba' | Japanese Anemone | 45 | 1 gal. |

SEE MATERIALS

see gravel



E45th KIRKE STREET in the Village of Chevy Chase

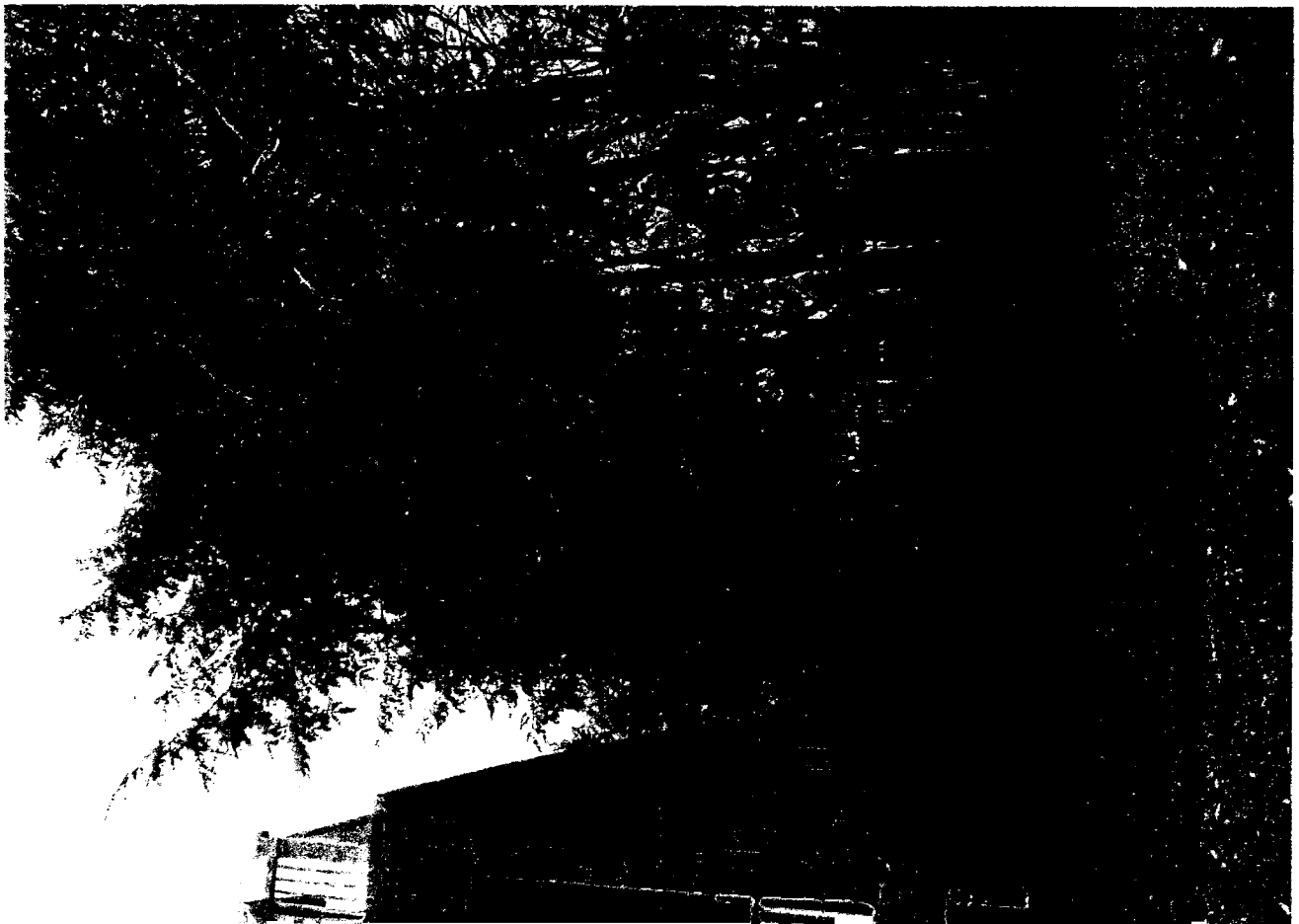
SCOTT BRINITZER DESIGN ASSOCIATES
 927 S. Walter Reed Drive
 Arlington, VA 22204-2311
 703.892.0266
 F 703.892.4140

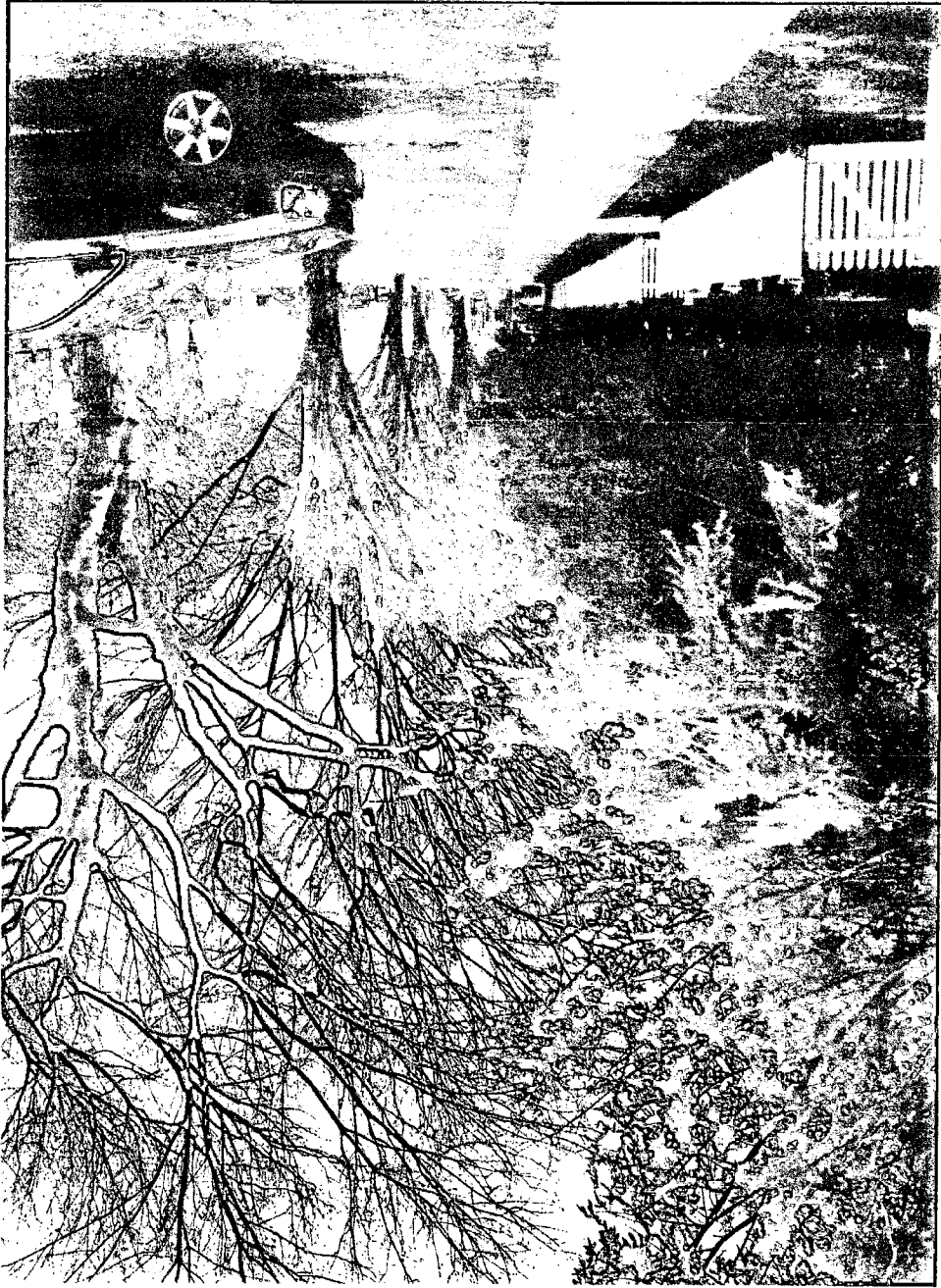
MURPHY RESIDENCE
 10 EAST KIRKE STREET
 CHEVY CHASE, MD 20815

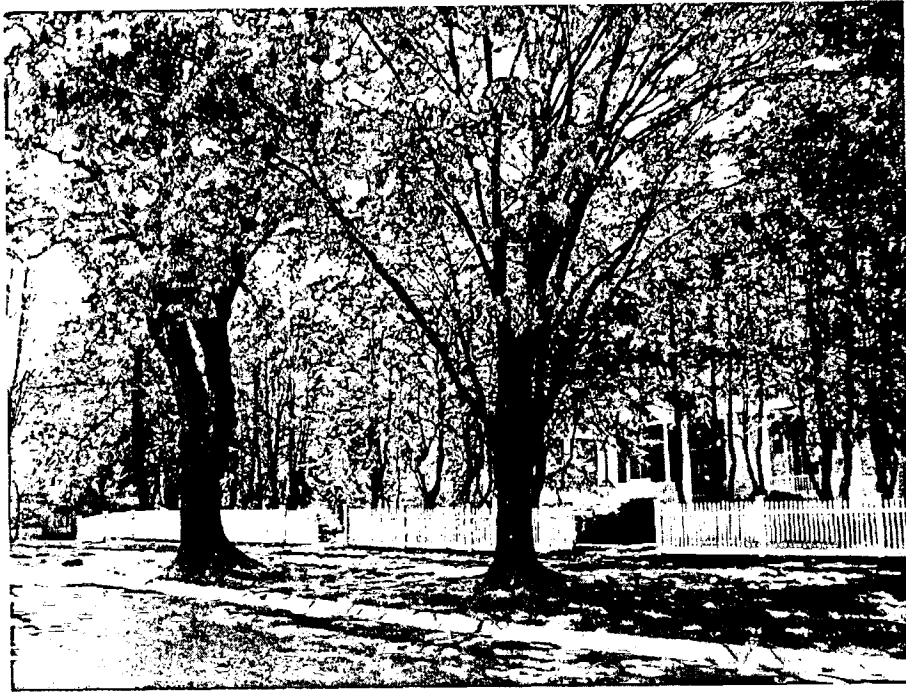
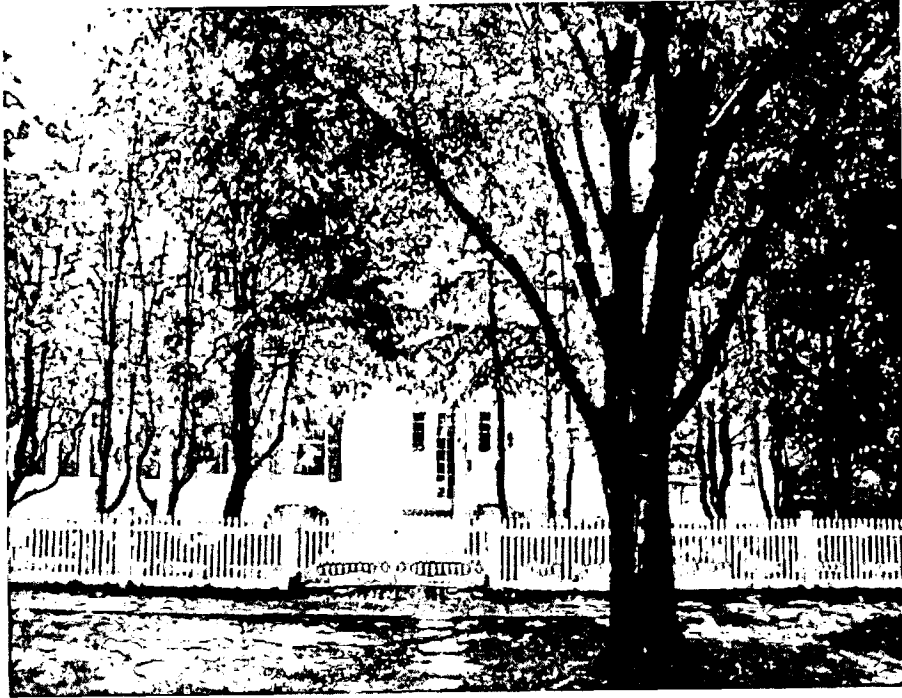
PLANTING PLAN
 SCALE: 1/8" = 1'-0"
 FEBRUARY 16, 2007
 REVISIONS

PROPOSED

7











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

| | |
|--|--|
| <p>Owner's mailing address</p> <p>10 East Kirke Street Chevy Chase MD. 20815</p> | <p>Owner's Agent's mailing address</p> |
| <p align="center">Adjacent and confronting Property Owners mailing addresses</p> | |
| <p>6 East Kirke St.</p> <p>Thomas and Barbara Biggs</p> | <p>7 East Kirke St</p> <p>Jud and Janet Parmar</p> |
| <p>9 East Kirke St.</p> <p>Christopher and Kathleen Matthews</p> | <p>11 East Kirke St</p> <p>Arch and Gina Campbell</p> |
| <p>101 East Kirke St</p> <p>Richard and Joan Marsh</p> | <p>102 East Kirke St</p> <p>Margaret and Antonio Adelfio</p> |

All neighbors were contacted by Chevy Chase Village.