

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	4716 Waverly Avenue, Garrett Park	Meeting Date:	5/4/2022
Resource:	Outstanding Resource (Garrett Park Historic District)	Report Date:	4/27/2022
Applicant:	Jane & Ken Salomon	Public Notice:	4/20/2022
Review:	HAWP	Tax Credit:	N/A
Permit Number:	989504	Staff:	Dan Bruechert
Proposal:	Tree Removal		

STAFF RECOMMENDATION

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

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Outstanding Resource within the Garrett Park Historic District
STYLE: Queen Anne
DATE: 1887



Figure 1: The subject property is near the intersection of Montrose Ave. and Strathmore Ave.

PROPOSAL

The applicants propose to remove two trees from their property.

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Garrett Park Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Comprehensive Amendment to the North Bethesda-Garrett Park Master Plan (1992)*, *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.

Comprehensive Amendment to the North Bethesda-Garrett Park Master Plan (1992)

Outstanding Resource: A resource which is of outstanding significance due to its architectural and/or historical features. An outstanding resource may date from any historical period and may be representative of any architectural style. However, it must have special features, architectural details, and/or historical associations that make the resource especially representative of an architectural style, it must be especially important to the history of the district, and/or it must be especially unique within the context of the district.

Montgomery County Code; Chapter 24A-8

- (a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district, and to the purposes of this chapter.
- (b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to ensure conformity with the purposes and requirements of this chapter, if it finds that:
 - (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
 - (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or
 - (3) The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or
 - (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or
 - (5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or

Secretary of the Interior's Standards for Rehabilitation

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

STAFF DISCUSSION

The subject property is heavily wooded with a large two-story Queen Anne house. The applicant proposes to remove two large spruce trees adjacent to the driveway. The two trees are more than 100 years old and the trees' health is starting to decline; including a recent incident where a limb broke off the tree and it fell on the owners' car (photo enclosed in the application). In consultation with a landscape design firm, the owners have submitted a landscape plan for the rears of tree removal that include new plantings, a bench, and a birdbath. Staff finds the new plantings are in an appropriate location and will fill in the landscape over time.

After consulting with an arborist (letter attached), the applicants have determined that these trees pose too severe of a risk to maintain and seek their removal. The applicants have met with the Garrett Park Historic Preservation Committee and have been granted removal from the Town, pending the HPC's approval.

Staff finds the danger these trees pose to the house and surrounding district is a hazard and they need to be removed. Staff supports removing these trees under 24A-8(b)(4) and brings consideration of this HAWP before the HPC to afford the Commissioners the opportunity to determine if the new plantings are sufficient remediation. Staff finds they are. Finally, Staff wants to note the historic photograph of the house at the subject property shows that the landscape had been clear-cut before construction and it took another 130 years for the landscape to develop to its current appearance.



Figure 2: Historic photo of the subject property, date unknown.

STAFF RECOMMENDATION

Staff recommends that the Commission **approves** the HAWP application; under the Criteria for Issuance in Chapter 24A-8(b)(4) having found that the proposal will not substantially alter the exterior features of the historic resource and is compatible in character with the district and the purposes of Chapter 24A;

and with the *Secretary of the Interior's Standards for Rehabilitation #2*;

and with 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;

and with the general condition that final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff's discretion;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or dan.bruechert@montgomeryplanning.org to schedule a follow-up site visit.

989504



APPLICATION FOR
HISTORIC AREA WORK PERMIT
HISTORIC PRESERVATION COMMISSION
301.563.3400

FOR STAFF ONLY:
HAWP# _____
DATE ASSIGNED _____

APPLICANT:

Name: Jane & Ken Salomon
Address: 4716 Waverly Ave
Daytime Phone: 301 946-7556

E-mail: jane.salomon@gmail.com
City: Garrett Park Zip: 20896
Tax Account No.: _____

AGENT/CONTACT (if applicable):

Name: _____
Address: _____
Daytime Phone: _____

E-mail: _____
City: _____ Zip: _____
Contractor Registration No.: _____

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property _____
Garrett Park

Is the Property Located within an Historic District? ☒ Yes/District Name _____
☐ No/Individual Site Name _____

Is there an Historic Preservation/Land Trust/Environmental Easement on the Property? If YES, include a map of the easement, and documentation from the Easement Holder supporting this application.

Are other Planning and/or Hearing Examiner Approvals /Reviews Required as part of this Application? (Conditional Use, Variance, Record Plat, etc.?) If YES, include information on these reviews as supplemental information.

Building Number: 4716 Street: Waverly Ave
Town/City: Garrett Park Nearest Cross Street: Strathmore
Lot: 17&18 Block: 99 Subdivision: Sec 2 Parcel: _____

TYPE OF WORK PROPOSED: See the checklist on Page 4 to verify that all supporting items for proposed work are submitted with this application. Incomplete Applications will not be accepted for review. Check all that apply:

- | | | |
|---|--|---|
| <input type="checkbox"/> New Construction | <input type="checkbox"/> Deck/Porch | <input type="checkbox"/> Shed/Garage/Accessory Structure |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Fence | <input type="checkbox"/> Solar |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Hardscape/Landscape | <input checked="" type="checkbox"/> Tree removal/planting |
| <input type="checkbox"/> Grading/Excavation | <input type="checkbox"/> Roof | <input type="checkbox"/> Window/Door |
| | | <input type="checkbox"/> Other: _____ |

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

Jane Salomon
Signature of owner or authorized agent

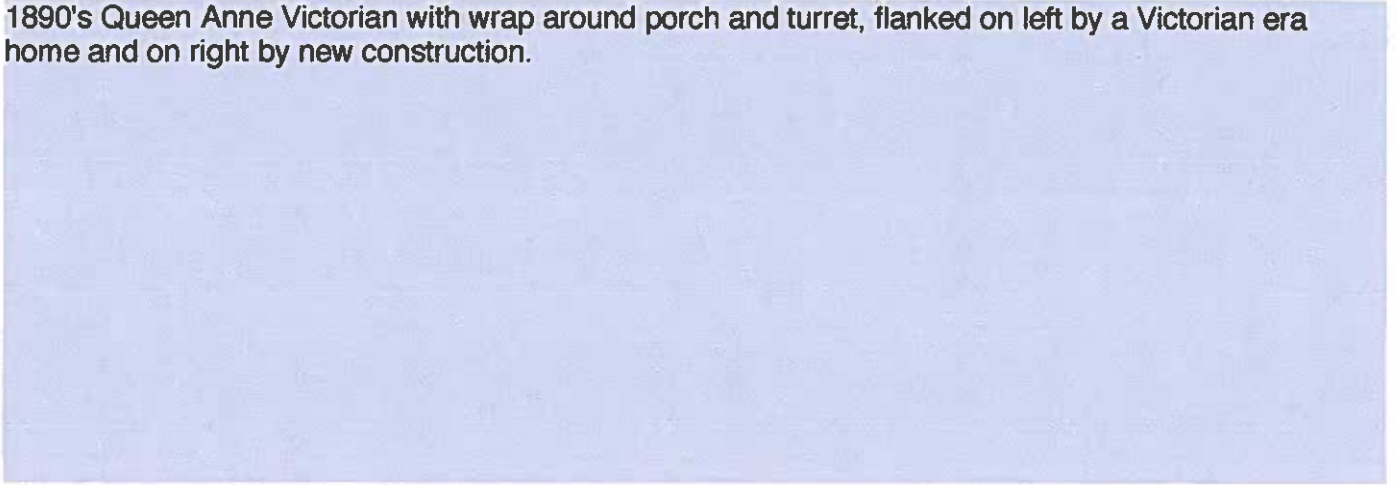
8/1/22
Date

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

Owner's mailing address Ken and Jane Salomon P.O.Box 227 4716 Waverly Ave Garrett Park, MD 20896	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	
Dick Morgan P.O. Box 424 Garrett Park, MD 20896	4720 Waverly Avenue P.O. Box 77 Garrett Park, MD 20896
Dr.Curt and Tance Harris P.O. Box 77 Garrett Park, MD 20896 See attached letter.	10930 Montrose Avenue Garrett Park, MD 20896
Jenny Krivanek P.O. Box 51 Garrett Park, MD 20896	11001 Kenilworth Avenue Garrett Park, MD 20896

Description of Property: Please describe the building and surrounding environment. Include information on significant structures, landscape features, or other significant features of the property:

1890's Queen Anne Victorian with wrap around porch and turret, flanked on left by a Victorian era home and on right by new construction.



Description of Work Proposed: Please give an overview of the work to be undertaken:

Removal of two 100+ year old spruce trees closest to house that surround owners driveway and overhang the house. More suitable tree(s) will be added and the area will be landscaped to add seating and low screening from street. The third 100+ year old spruce will be preserved in the landscape.

Work Item 1: **Tree Removal**

Description of Current Condition: Safety concerns with branches falling on cars (see photo), house roof and gutters causing damage. Two trees with cut roots at driveway weakening them and with

Proposed Work: Remove two existing spruce trees and stumps and replace with more appropriate trees and shrubs. See landscape design.

Trees Continued

Work Item 2: _____

Description of Current Condition: the walkway covering their root systems, they pose a greater danger to the house and the cars. See arborist letter.

Proposed Work:

Work Item 3: _____

Description of Current Condition:

Proposed Work:





G&V Tree Service, Inc.
6434 Brandon Ave Ste#204 Springfield, VA 22150
Tel: 703.569.2570 Fax: 703.569.2571
info@gvtreeservice.com

Date: March 21, 2022

Tree Risk Assessment

Customer: Ken & Jane Salomon

Location: 4716 Waverly Avenue, Garrett Park, Maryland

There is always some risk living around trees.

As a property owner you are also the manager of the trees on your property for the risks that they can present from time to time. Responsible tree management can mitigate that risk or remove it, depending on the property owners' level of acceptance for that risk and the consequences of failure.

Jane Salomon experienced a rather frightening moment of the consequences of failure on a clear day, of a limb failure, as she sat on their porch and this large limb fell from one of the trees in their driveway and punched a hole in the roof of their car.

That experience has affected hers and Kens level of risk acceptance for the 2 large Spruce trees along their driveway on the left front side and near their home.

This latent limb failure was most likely due to that limb suffering severe structural damage from a past severe weather event. It broke but did not break away immediately from the tree. Time, gravity, and other weather events caused it to finally fall from the tree on a clear day.

In general, these Evergreen trees appear healthy from a ground observation and would need to be climbed for a more thorough aerial inspection of possible structural faults.

Given the frequency of severe storms over the past decade and the location and species of these trees in the driveway, I would recommend an inspection after every severe storm or at least annually. I do not think that any homeowner would want to shoulder that burden to enjoy their trees.

I am not a lawyer but enjoying one's property is one of your legal rights as a property owner. The Salomons are not enjoying their property due to the risk associated with these 2 large trees, which have outgrown their location around their parking area and near their home. A third larger tree, which is further away from the home, does not pose the same degree of risk. They do not feel as threatened by this tree and are willing to accept the risks associated with this old, large Spruce tree, which also lends itself to guarding the Historical nature of their Victorian home and the Garrett Park community.

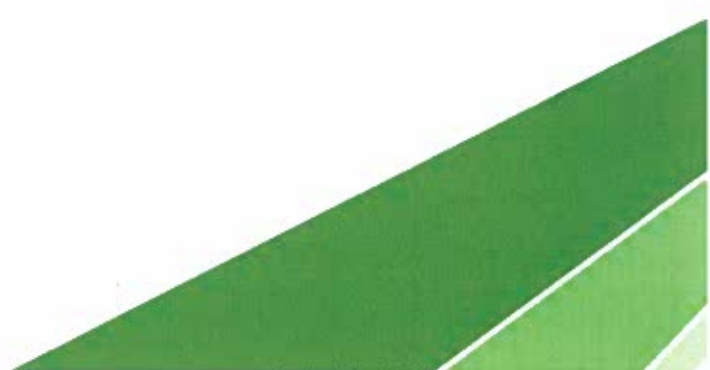
Trees are a living growing part of our urban infrastructure that provide many benefits. Trees are also exposed to the elements 24/7 and the ravages of severe weather. As they grow older and larger, they also become more vulnerable to weather events and require more attention, especially if they are in a location where the consequences of failure would be severe. Therefore, in the urban environment, they must be managed for the property owners' and the public's safety, the safeguarding of their personal and real property, and lastly for the many other benefits they provide the property owner and the urban community.

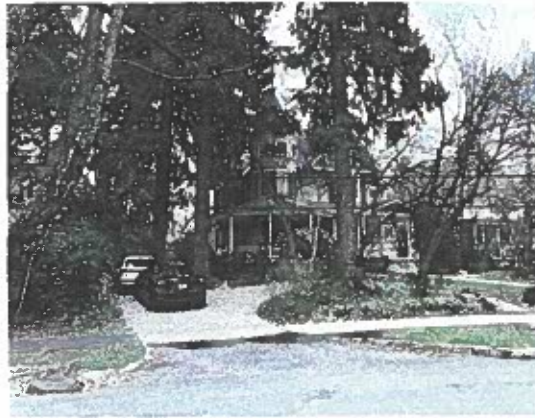
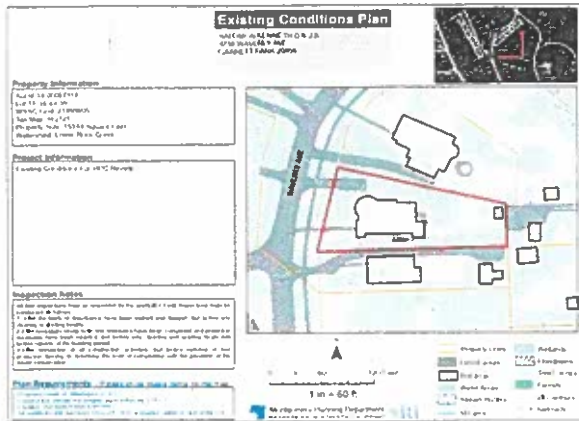
After spending significant time at their home discussing these trees, their management options and corresponding with them, I have come to understand their level of risk acceptance with these two large Spruce trees in their driveway is very low. Scheduled mitigation tasks to inspect and prune as necessary is daunting and still does not remove the high possibility of future (latent) limb failures during extreme weather events.

Mr.& Mrs. Salomon have lived under the canopy of these 2 trees for about 30 years and the decision to remove them does not come lightly.

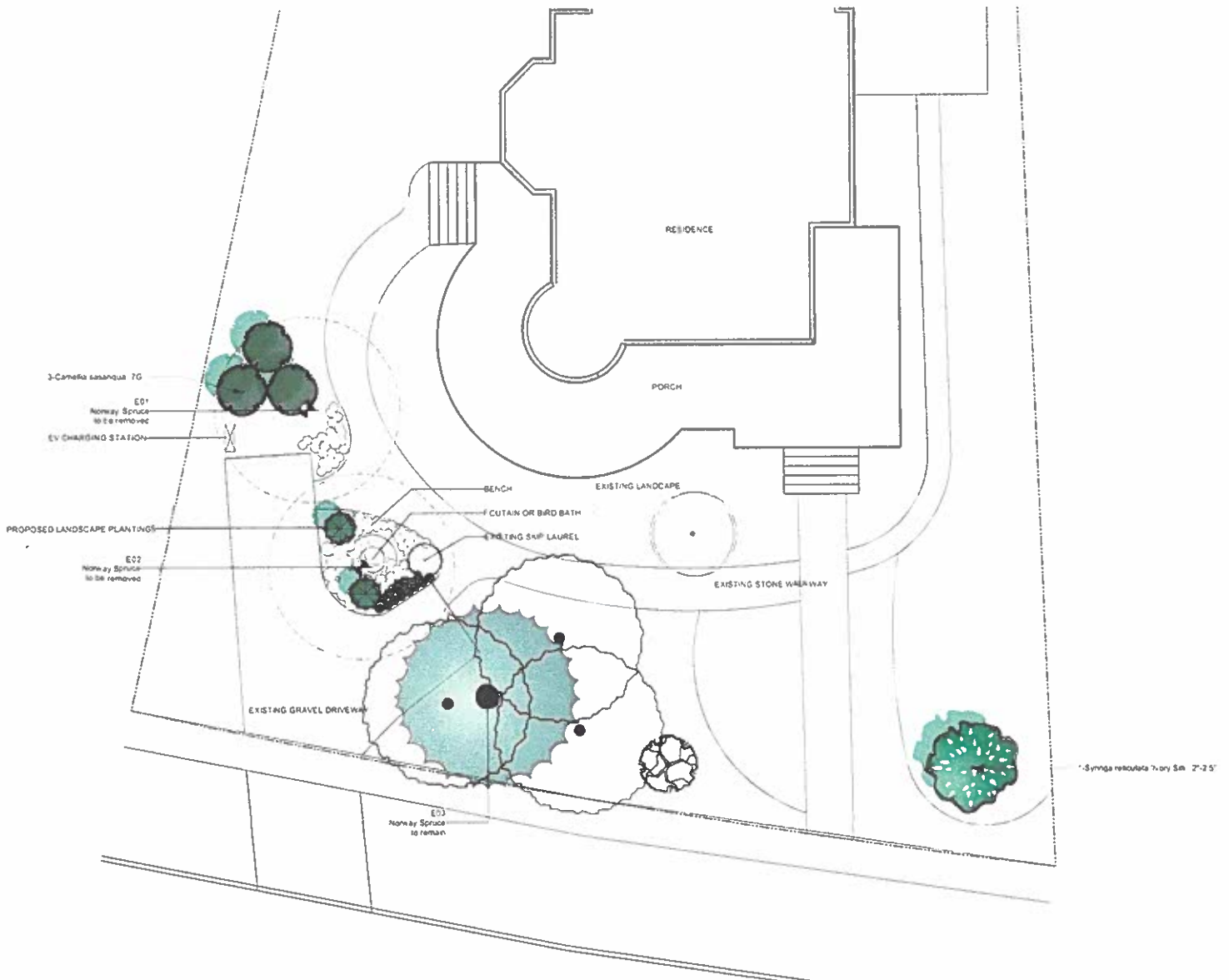
The time has come that they would like to exercise their rights to manage their trees (which are real property) as necessary to remove this threat that they live with every day. They feel their decision making on this matter might be hampered by institutions and people that do not live or come home to this tree risk every day.

Prepared By Gary Teates
International Society of Arboriculture
Certified Arborist MA-4167A
Tree Risk Assessment Qualified





EXISTING SPRUCE TREE TO BE REMOVED
 EXISTING SPRUCE TREE TO BE REMOVED
 EXISTING SPRUCE TREE TO REMAIN



DATE 3-20-2022	
REVISION DATE	
DRAWN BY Shepherd, M. P. A.	JOB #

THE SALOMON RESIDENCE
 4716 WAVERLY AVENUE
 GARRETT PARK, MD

LANDSCAPE PLAN

SCALE 1/8" = 1'-0"



McHALE
 LANDSCAPE
 DESIGN, INC.
 1414 TOWNSEND DRIVE
 WILMINGTON, DE 19804
 TEL: 302.441.1111
 FAX: 302.441.1112
 WWW.MCHALELANDSCAPEDESIGN.COM

CONSUMER INFORMATION NOTES:

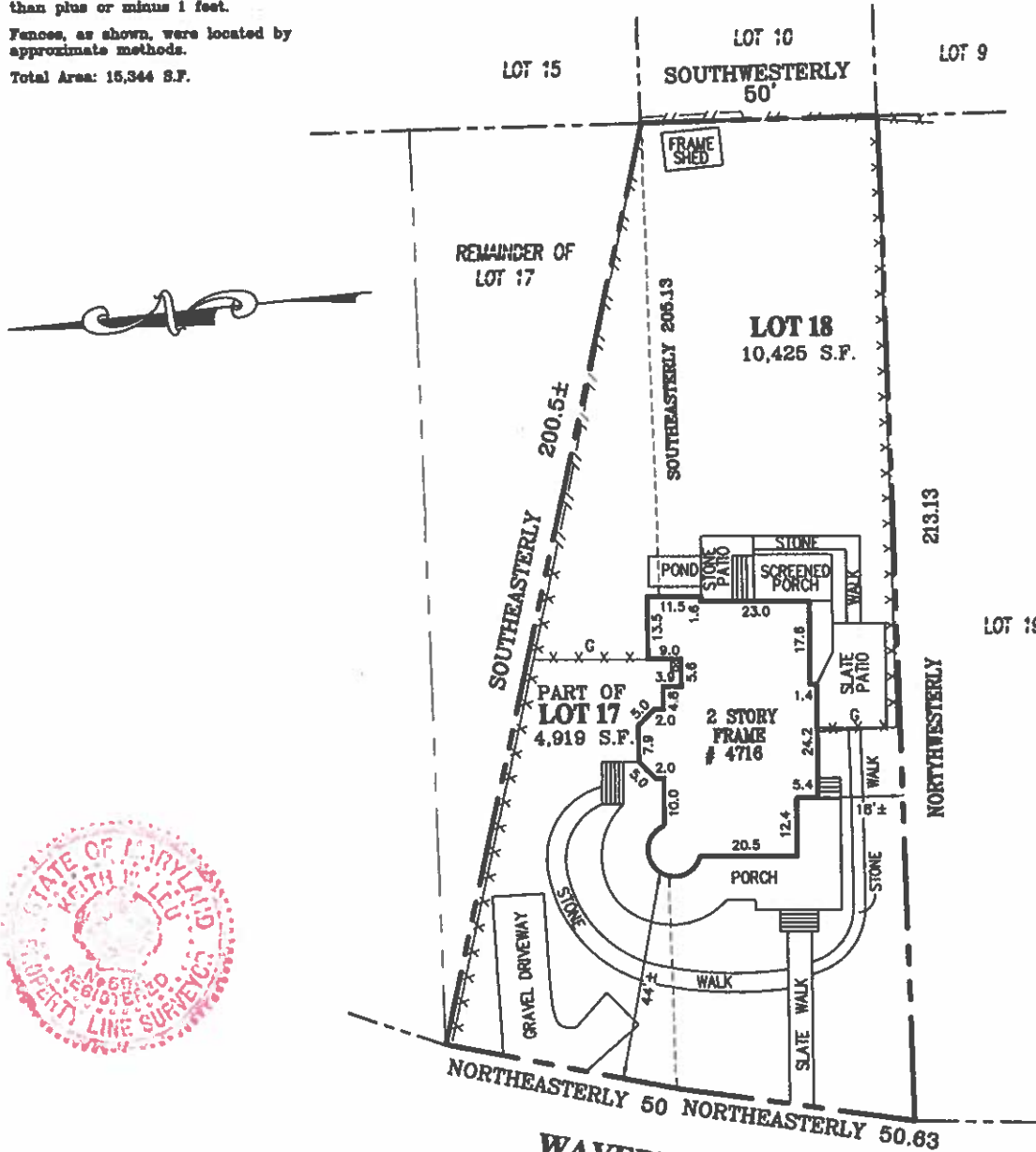
1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1 foot.
2. Fences, as shown, were located by approximate methods.
3. Total Area: 15,344 S.F.

Abbreviation:

G = Gate



LOCATION DRAWING
PART OF LOT 17 & LOT 18
BLOCK 99, SECTION 2
GARRETT PARK
MONTGOMERY COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE

"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."

Kittie L. Smith
MARYLAND PROPERTY LINE SURVEYOR REG. NO. 582
Expires: 04-07-2023

REFERENCES

PLAT BK. A
PLAT NO. 24

LIBER 14982
FOLIO 196



SNIDER & ASSOCIATES LAND SURVEYORS

19544 Amaranth Drive
Germantown, Maryland 20874
301/945-6100 Fax 301/945-1236
WWW.SNIDERSURVEYS.COM

DATE OF LOCATIONS

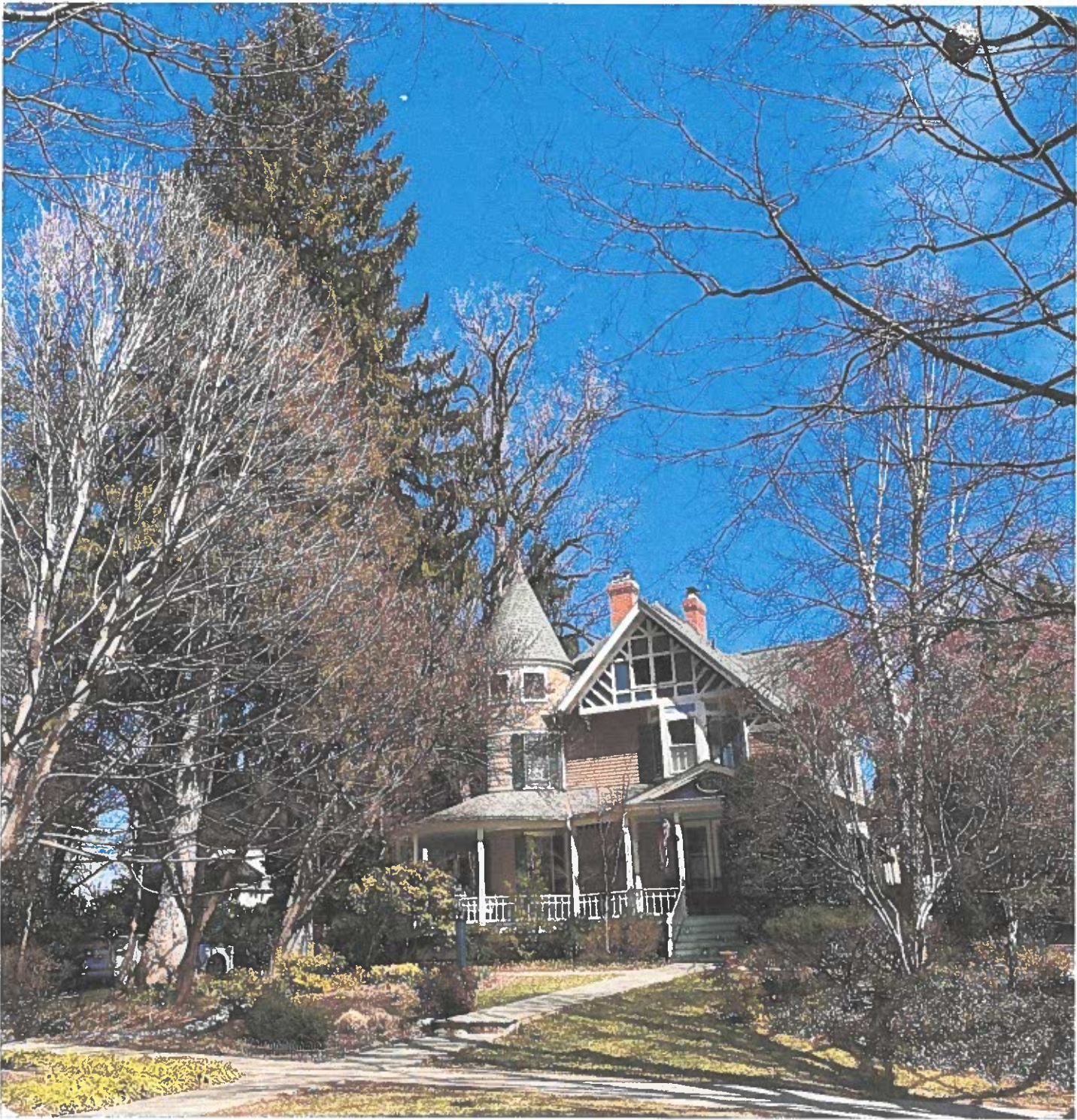
SCALE: 1" = 30'

WALL CHECK:

DRAWN BY: E.M.G.-TON

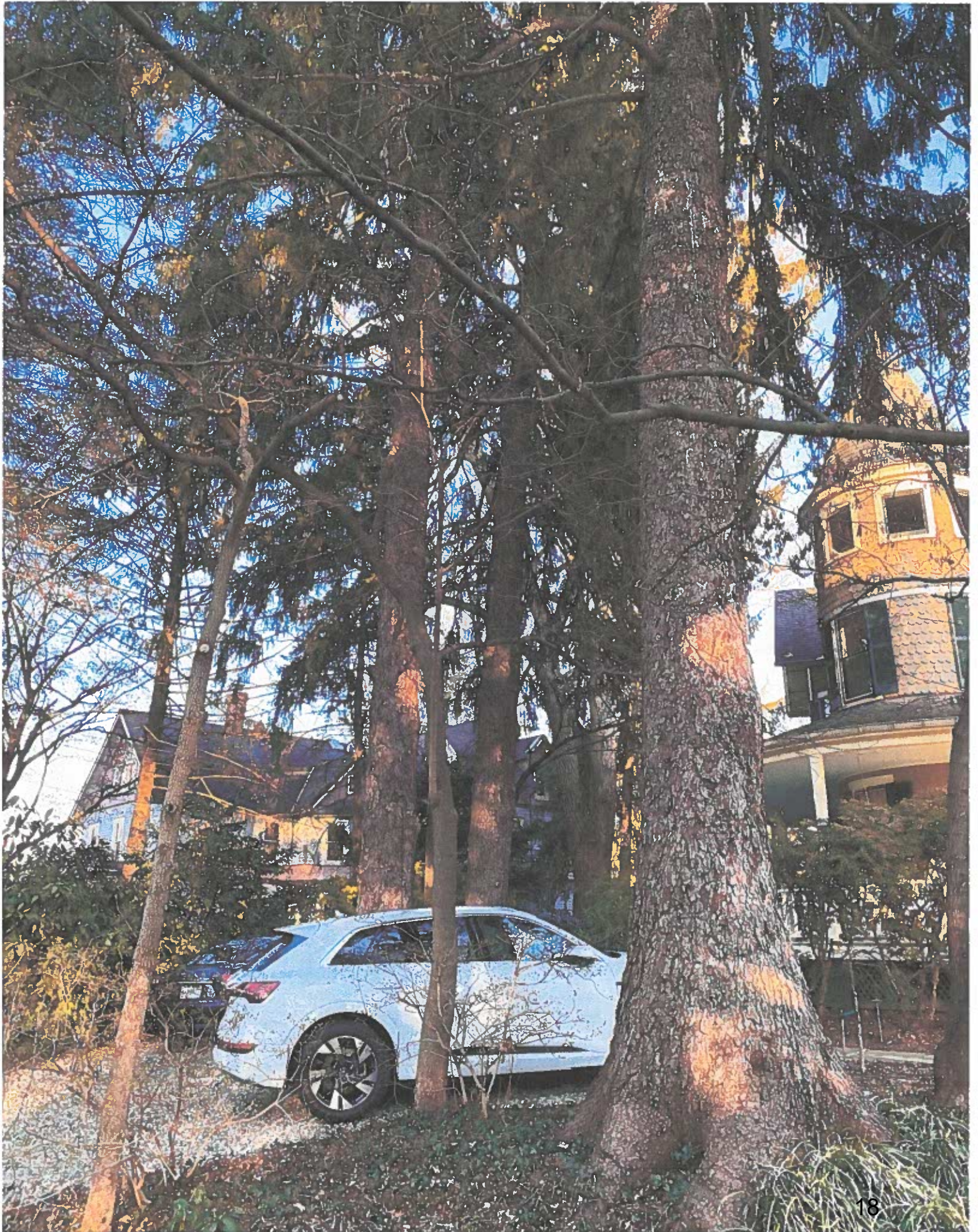
HSE. LOC.: 03-09-22

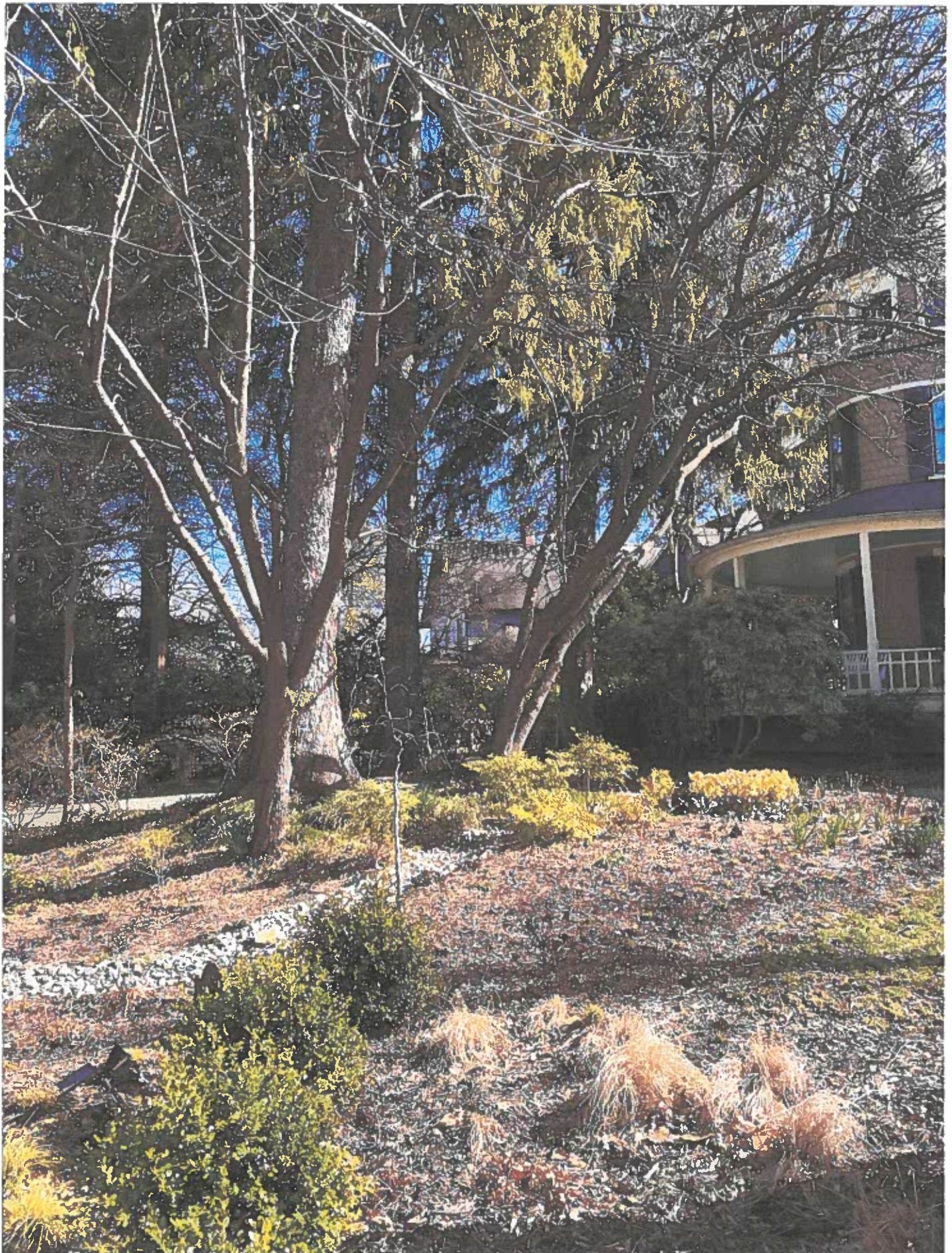
JOB NO.: 06-09028-HL











North



South →

March 6, 2022

We are writing this letter to bring to your attention the three evergreen trees in the Solomon's yard at 4716 Waverly Avenue. They are huge and pose a danger to both the Solomon's house and ours at 4720 Waverly. On windy days they bend over $\frac{2}{3}$ the way down.

Thanks for your attention

Curt & Jane Harris

Town of Garrett Park Historic Preservation Committee
Report on 4716 Waverly Avenue
April 22, 2022

To: Kevin Manarolla, Dan Bruechert
Montgomery County Historic Preservation Office
Submitted via mcp-historic@mncppc-mc.org

Regarding: HAWP #989504 for 4716 Waverly Avenue, Garrett Park
Scheduled for review on May 4, 2022

The owners of the property at 4716 Waverly Avenue in Garrett Park seek a Historic Area Work Permit (HAWP) for removal of two 100+ year-old spruce trees that surround the driveway and overhang the front of the house. The property is a Queen Anne style home built in 1892, identified as an “outstanding” resource within the Garrett Park Historic District and is an example of one of the grand Victorian-era “cottages” with a wrap-around porch and turret.

The Garrett Park Historic Preservation Committee has reviewed the HAWP, the arborist report, and discussed the project with the homeowners. The Committee supports the grant of the HAWP.

Although the two trees have contributed to the historic streetscape of Waverly Avenue and the overall tree canopy, they have posed a safety issue of great concern to the homeowners, most recently when a large branch smashed into their car parked below.

The arborist’s careful analysis considers the historic nature of the trees, their present and future health, as well as the level of risk they pose to the resident’s property. The homeowners have managed them responsibly for 30 years and do not take their decision to remove them lightly. A new landscaping plan would replace them with more appropriate trees and shrubs. A third 100+ year-old spruce, which stands close to the road, would remain, where it enhances the graceful streetscape along Waverly.

The Committee believes that the safety issue the trees pose takes precedence over their historic value in this case.

If you have any further questions, please do not hesitate to contact me, or Stephen Paczkowski, Garrett Park Councilmember, who is the liaison with our committee.

On behalf of the committee,

Nancy Walz, Chair
Garrett Park Historic Preservation Committee

nancywalz@gmail.com
councilstephen@garrettparkmd.gov