

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

**June 16, 2008**

**CALL TO PODIUM:**

**Eliza Voigt**

**RESPONSIBLE STAFF:**

**Eliza Voigt, Planner**

**AGENDA ITEM:**  
(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
<b>x</b>	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
<b>x</b>	Other: Certificate of Approval

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE: CERTIFICATE OF APPROVAL OF HAWP-43F**

**HISTORIC DISTRICT COMMISSION**  
Applicant: Christopher and Elizabeth Witzgall, Request for two tree removals at 20 Walker Avenue

**SUPPORTING BACKGROUND:**

The applicant is requesting approval to remove two trees from the rear yard; a box elder and wild black cherry. A certified arborist report (exhibit 6) recommends the removal of both trees. The condition of the wild cherry tree is very poor/dead and the box elder is losing large limbs into the neighbor's yard. A letter from the neighbor supporting the box elder removal is also attached (exhibit 8).

At their meeting of June 5, 2008, the Historic Preservation Advisory Committee (HPAC) held a public hearing on this request. There was no public testimony for or against the application.

The HPAC unanimously recommended approval, finding the proposed alteration in compliance with the Brookes, Russell, Walker Historic District Design Guidelines and with the Secretary of Interior Standard Two, which states: "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." The removal of two undesirable trees will promote the growth of longer-living, more substantial trees which will continue the heavily treed character of the neighborhood and be beneficial to the overall environment.

Staff and the HPAC recommend the HDC make the following motion: **Grant approval of HAWP-43F and issue the Certificate of Approval, finding, based on the record before HPAC and for the reasons articulated by HPAC, that the application meets the Secretary of Interior Standards Two and the Brookes, Russell, Walker Historic District Design Guidelines.**

**DESIRED OUTCOME:**

**Vote to approve or deny the issuance of the Certificate of Approval.**

HPAC Public Hearing – June 5, 2008  
HDC Review – June 16, 2008

**INDEX OF MEMORANDA  
HAWP-43F**

**Applicant: Christopher and Elizabeth Witzgall  
20 Walker Avenue  
Tree Removal**

<b>Number</b>	<b>Exhibit</b>
1.	Application
2.	Plat of property
3.	Tree Inventory Data showing location of Tree
4.	Tree Inventory Data for 20 Walker Avenue
5.	Photographs of tree to be removed provided by applicant
6.	Inspection Report by the Care of Trees – April 23, 2008
7.	Letter from property owner dated May 27, 2008
8.	Letter from neighbor dated May 25, 2008
9.	Notice to include legal ad for public hearing in the May 28, 2008, <i>Gaithersburg Gazette</i>
10.	Public hearing notice, sent out May 23, 2008, to the required parties
11.	Mailing List
12.	By Reference: Brookes, Russell, Walker Historic District Guidelines
13.	By Reference: Annotated Code of Maryland, Article 66B, Historic Resources
14.	By Reference: Secretary of Interior Standards for Rehabilitation
15.	By Reference: HD-14 Designation Documents
16.	By Reference: Qualifications of HPAC, HDC, and staff
17.	By Reference: Historic Preservation Ordinance
18.	Letter from property owner dated May 29, 2008

# HISTORIC AREA WORK PERMIT APPLICATION

In accordance with Chapter 24, Article XII of the City Code.

Application Number	43-F
Date Filed	5/2/08
Application Completed	5/2/08
HPAC Hearing/Review	6/5/08
HDC Hearing/Review	6/16/08
Decision	
Date of Decision	

**1. SUBJECT PROPERTY**

Address 20 Walker Avenue, Gaithersburg MD 20877  
 Lot 20 Block \_\_\_\_\_ Subdivision Walkers Addition  
 Tax Account Number 00847203

**2. APPLICANT/OWNER/AUTHORIZED AGENT**

Name Christopher & Elizabeth Witzgall Telephone 301-330-0129  
 Address 20 Walker Ave, Gaithersburg MD 20877

**3. OWNER OF RECORD (IF NOT APPLICANT)**

Name \_\_\_\_\_ Telephone \_\_\_\_\_  
 Address \_\_\_\_\_

**2. TYPE OF WORK (CHECK APPROPRIATE)**

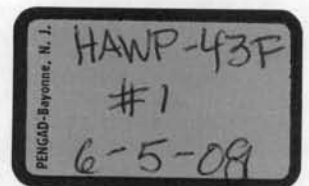
- Visible from public way
- Not visible from public way
  
- Fence
- Signage
- Parking
- Landscape
- Windows
- Siding
- Roofing
- Accessory Building
- Additions
- Relocation
- Restoration
- Demolition
- New Construction
- In-kind Replacement
- Utilities (meters, cables, etc.)
- Miscellaneous

**4. DESCRIPTION OF PROPOSED WORK** Removal of 2 trees (almost dead)

**5. HISTORIC AREA WORK PERMIT PROCESS AND APPLICATION SUBMISSION REQUIREMENTS (SEE PAGES 2-7)**

I have read and understand the attached information regarding process and requirements in obtaining a Historic Area Work Permit.

Signature Christopher Witzgall Date 05/02/08  
Elizabeth Witzgall 5/2/08



I hereby certify that the plan shown hereon is correct that the improvements are correctly shown on this plan.

April 30, 1963  
Scale: 1" = 30'  
Liber 3041, Folio 405  
Plat: Unrecorded

*William Neal Hurley*  
William Neal Hurley, Jr., S

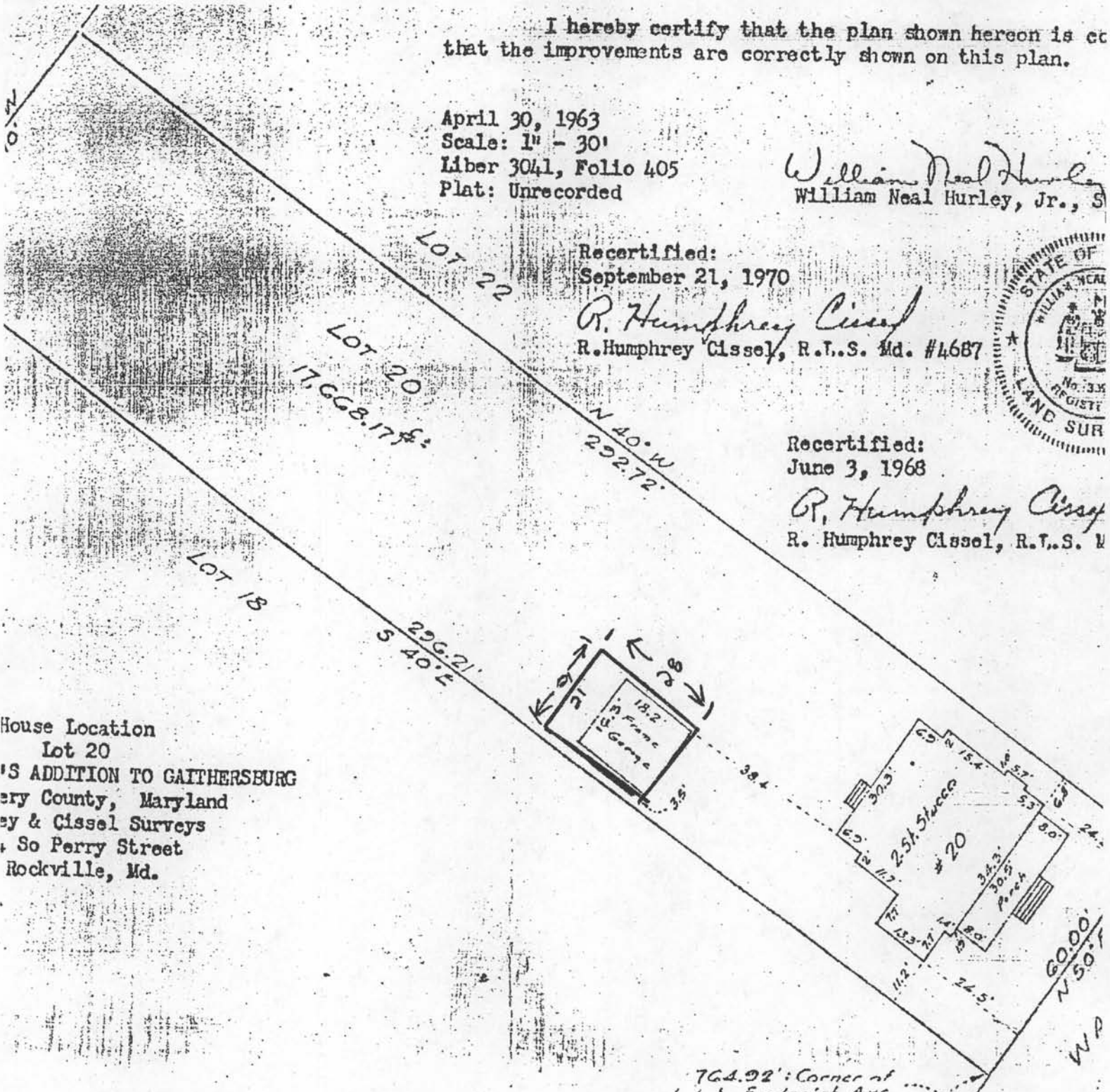
Recertified:  
September 21, 1970

*R. Humphrey Cissel*  
R. Humphrey Cissel, R.T.S. Md. #4687



Recertified:  
June 3, 1968

*R. Humphrey Cissel*  
R. Humphrey Cissel, R.T.S. Md.

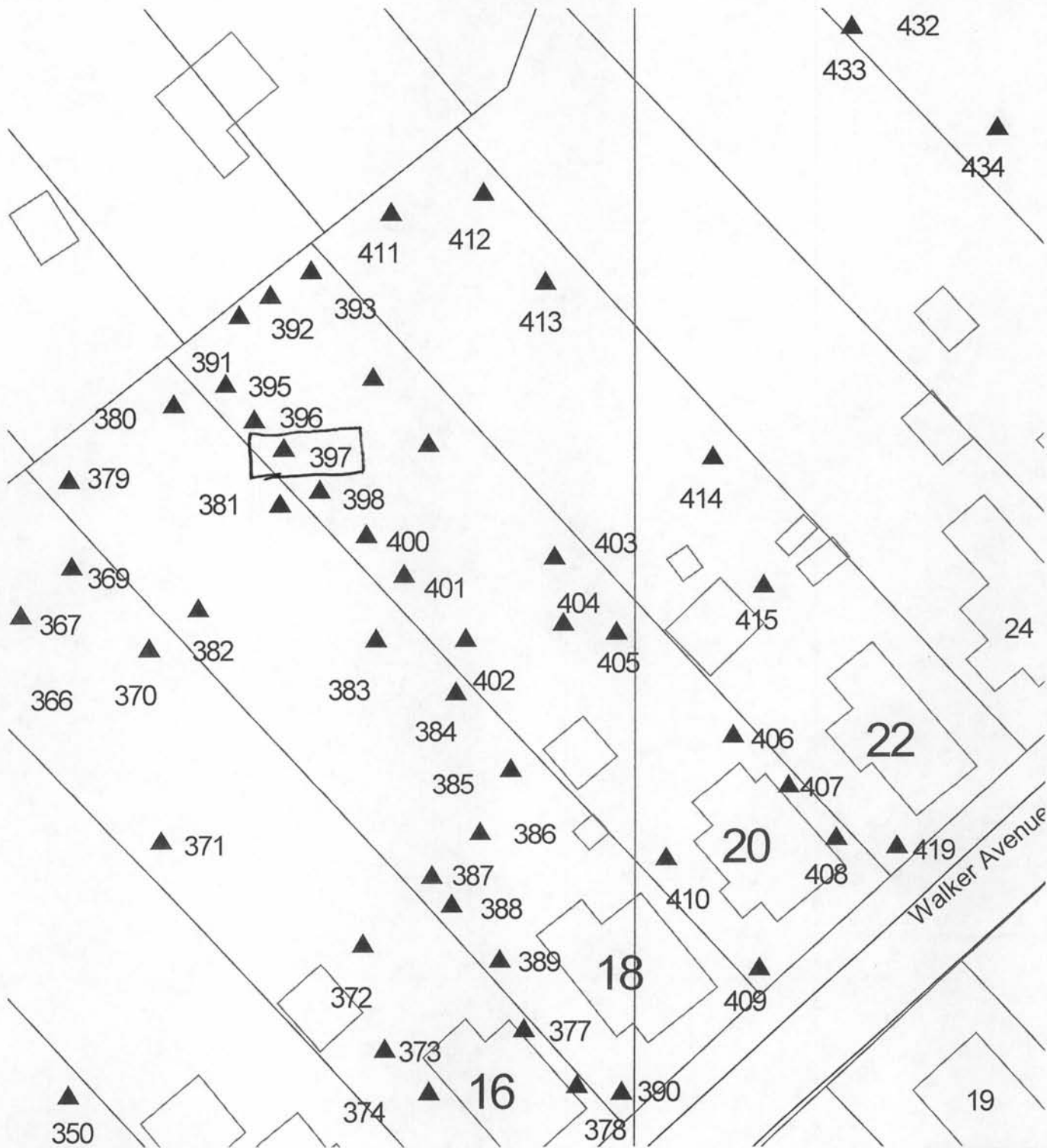


House Location  
Lot 20  
S ADDITION TO GAITHERSBURG  
Mary County, Maryland  
Cissel & Cissel Surveys  
150 Perry Street  
Rockville, Md.

764.92' : Corner of  
Perry Street & Frederick Ave.

PEIGAD-Bayonne, N. J.  
HAWP 43-F  
#2  
6-5-08

# Tree Inventory for Brookes, Russell, Walker Historic District



20 and 22 Walker Avenue

HAWP 43F  
#3  
6-5-08

FRANKLIN-BAYNE, N.J.

June 1999

City of Gaithersburg Historic District Tree Inventory

Prepared by  
the Care of Trees, Inc.

INV#	Location	Street	MHO	PB	APS	No.	of total	Species	dbh	cond	PR	RM	CB	HE	IPM	Wires	SW	Comments
379	Right left corner	18 Walker Ave.	No			1	12	Black cherry	10	2	2							
380	Right rear corner	"				2	12	Black cherry	15	2	2							
381	Right rear corner	"				3	12	Eastern white pine	16	3								
382	Right left side	"				4	12	Colorado blue spruce	11	2					2			Deadwood
383	Right rear side	"				5	12	Colorado blue spruce	14	2	2				2			Major deadwood
384	Right rear side	"				6	12	American dogwood	14	2	2				2			Vines, deadwood
385	Right rear side	"				7	12	American dogwood	6	3	2				2			Deadwood
386	Right center	"				8	12	Northern catalpa	58	4	2		X					Specimen tree, vines, clear garage, deadwood over playground
387	Right center	"				9	12	Hemlock	20	3	2				2			
388	Right left corner	"				10	12	Northern catalpa	35	D		1						
389	Right left side	"				11	12	Northern catalpa	32	3	2							
390	Front left corner	"				12	12	Hemlock	9/17	2	2				1			
391	Right left corner	20 Walker Ave.	Yes			1	20	Black walnut	18	3	3							
392	Right rear corner	"				2	20	Black walnut	19	3	3							
393	Right rear corner	"				3	20	Red mulberry	9	2	3							
394	Right rear corner	"				4	20	Chinese chestnut	17/18	3	2		X					
395	Left rear side	"				5	20	Black walnut	9	2	3							
396	Left rear side	"				6	20	Red mulberry	12	2	3							
397	Left rear side	"				7	20	Boxelder	22	2	3							
398	Left rear side	"				8	20	Black oak	14	2	3							Vines, leaning

Key: MHO=met homeowner; PB=public tree; APS=avail planting space; PR=prune; RM=remove; CB=cable; HE=hazard eval; IPM=plant health care priority level: 1=urgent; 2=medium; 3=low  
Condition Key: 5=excellent; 4=very good; 3=good; 2=fair; 1=poor D=dead/dying

PENGAD-Bayonne, N. J.  
6-5-08  
#4  
HAMP 43F



20 Walker Avenue

PERIOD-Bayonne, N. J.  
HAWP 43F  
#5  
6-5-08



Our Business is People  
And Their Love for Trees®

The Care of Trees  
8000 Queenair Drive  
Gaithersburg, MD 20879

Tel: 301.444.9041  
Fax: 301.444.9049  
Web: www.thecareoftrees.com

**Client:** Mr. and Mrs. Witzgall  
20 Walker Avenue  
Gaithersburg, Maryland, 20877

**Date of Visit:** April 23, 2008  
**Observer:** Melissa Lawler  
ISA Certified Arborist MA-0700A

### **Primary Reason for Visit:**

The purpose of this inspection was to ascertain the condition and structural stability of the trees on the property of 20 Walker Avenue. The following observations were made by Melissa Lawler, an ISA Certified Arborist.

### **Observations:**

#### **Boxelder (22" DBH/ 69.08" in circumference)**

The primary concern is over the loss of large limbs that have in the past broken from the canopy of this tree and fallen into the neighbor's yard where a child's play set exists. Industry standard states, branch failures occur when the strength of the wood is exceeded by either unusual stresses and/ or compromised by the presence of defects, such as weak branch attachment. Additionally, this species grows rapidly creating a competition for other sun loving plants due to the shade produced by its canopy. In some areas, it is considered an invasive species. In my opinion, this tree should be removed due to the species, the proximity to a child's play area and past history of limb failure.

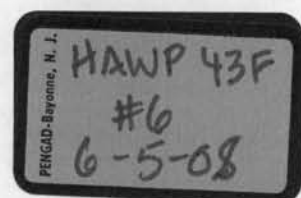
#### **Wild Black Cherry (16" DBH/ 50.24" in circumference)**

The overall condition of this tree is very poor. The only live viable limbs are adventitious growth sprouts. This tree also compromises the growth pattern of the adjacent trees. This tree should be removed to ground level and the stump should not be ground out due to the proximity of other tree roots that would be impacted during the stump grinding process.

The inspection of these trees consisted solely of a visual inspection from the ground. While more thorough techniques are available for inspection and evaluation, they were neither requested nor considered necessary or appropriate at this time.

Arborists are tree specialists who use their education, knowledge training and experience to examine trees, recommend measures to enhance their health and beauty and to attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist or to seek additional advice.

Trees and other plantlife are living, changing organisms affected by innumerable factors beyond our control. Arborists cannot detect or anticipate every condition or event that could possibly lead to the structural failure of a tree. Conditions are often hidden within the trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, for any specific period or when a tree or its parts may fail. Further, remedial treatments, as with any treatment or therapy, cannot be guaranteed.



Christoph & Elizabeth Witzgall  
20 Walker Avenue  
Gaithersburg MD 20877

May 27, 2008

Historic Preservation Advisory Committee  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg MD 20877

We are writing in support of the Historic Area Work Permit Request, HAWP-43-F. We apologize for not being here in person, which is due to family obligations in Kansas. We are requesting the removal of two trees at the rear of our 20 Walker Avenue home.

One tree is an old black cherry tree, covered with vines and almost totally dead. This tree is within three or four feet of a very large catalpa tree and a maple tree. Removing the tree will remove the potential of the tree or its branches falling down in an unstructured and dangerous manner.

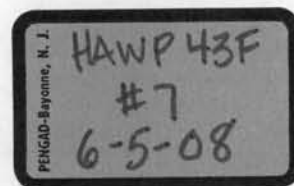
The other tree is an old box elder tree which is located along the property line of 18 Walker Avenue. This tree is in trouble. Many of its branches are dead because it is boxed in between two other trees of its size. Heavily shaded on our side by similar trees, almost all of its greenery can be found on our neighbor's side, where fallen branches have been a problem. Two years ago a large size branch broke off. A similar branch which we estimate at about 18 feet extends almost horizontally over the area where the children play at 18 Walker. It presents cause for concern.

We therefore ask for permission to remove these trees.

We have not yet decided about replacing the box elder, but will make this decision in consultation with the contracted arborist after the tree has been removed. This arborist has recommended against a replacement tree for the black cherry.

Sincerely,

Elizabeth Witzgall      Christoph Witzgall



The Searles Family  
18 Walker Avenue  
Gaithersburg MD 20877

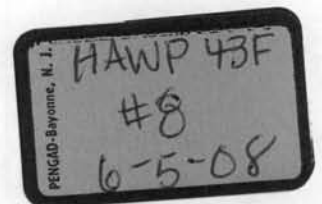
May 25, 2008

Historic Preservation Advisory Committee  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg MD 20877

We are writing in support of the Historic Area Work Permit Request, HAWP-43-F, for the removal of the box elder tree which is on the Witzgall property at 20 Walker Avenue, but predominantly overhangs our property at 18 Walker Avenue. Several large limbs have fallen from this tree into the area of our garden which is mostly used as a children's play area and where their playground equipment is located.

We note that there are a several trees in the Witzgall's yard which are within a few feet of this tree. It may be that the competition for light is the cause of the problem. At any rate the removal of this dying tree will be a benefit to the neighborhood.

Sincerely,





**Gaithersburg**  
A CHARACTER COUNTS! CITY

May 20, 2008

Ashby Tanner, Law Section  
The Gaithersburg Gazette  
P.O. Caller 6006  
Gaithersburg, Maryland 20884

Dear Ashby:

Please publish the following legal advertisement in the **May 28, 2008**, issue of the *Gaithersburg Gazette*.

Sincerely,

Eliza Voigt, Planner  
Planning and Code Administration

ASSIGN CODE: **HAWP-43F**

**NOTICE OF PUBLIC HEARING**

The Historic Preservation Advisory Committee of the City of Gaithersburg will conduct a public hearing on HAWP-43-F, filed by Christopher and Elizabeth Witzgall, on

**THURSDAY  
JUNE 5, 2008  
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests a certificate of approval from the City's Historic District Commission for a tree removal request at **20 Walker Avenue**. §24-228 of the City Code (Zoning Ordinance) requires a historic area work permit for altering exterior features of a historic resource. The subject property, located on Lot 20 of the Walkers Addition to Gaithersburg, is a contributing resource to the Brookes, Russell, Walker Historic District.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Eliza Voigt, Planner  
Planning and Code Administration  
EBV  
**Acct# 133649**

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaitersburgmd.gov

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Jud Ashman  
Cathy C. Drzyzgula  
Henry F. Marraffa, Jr.  
Ryan Spiegel  
Michael A. Sesma

ACTING CITY MANAGER  
James D. Arnoult

HAWP 43F  
#9  
6-5-08



*Gaithersburg*

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

**NOTICE OF PUBLIC HEARING**

The City of Gaithersburg Historic Preservation Advisory Committee will conduct a public hearing at the time and place noted below.

<i>Meeting:</i>	<b>Historic Preservation Advisory Committee</b>
<i>Application Type:</i>	<b>Historic Area Work Permit Request</b>
<i>File Number:</i>	<b>HAWP-43F</b>
<i>Location:</i>	<b>20 Walker Avenue</b>
	<b>Lot 20, of the Walkers Addition to Gaithersburg</b>
<i>Applicant:</i>	<b>Christopher and Elizabeth Witzgall</b>
<i>Development:</i>	<b>Brookes, Russell, Walker Historic District</b>
<i>Day/ Date/Time:</i>	<b>Thursday, June 5, 2008, 7:30 p.m.</b>
<i>Place:</i>	<b>COUNCIL CHAMBERS, GAITHERSBURG CITY HALL</b>
	<b>31 SOUTH SUMMIT AVENUE</b>

**\*\*\*IMPORTANT\*\*\***

The application requests a certificate of approval from the City's Historic District Commission for a tree removal request **20 Walker Avenue**. Section 24-228 of the City Code (Zoning Ordinance) requires a historic area work permit for altering exterior features of a historic resource. The subject property, located on Lot 20 Walkers Addition to Gaithersburg, is a contributing resource to the Brookes, Russell, Walker Historic District. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

CITY OF GAITHERSBURG

By: Eliza Voigt  
Eliza Voigt, Planner  
Planning and Code Administration

**SEE LOCATION MAP ON REVERSE SIDE**

REC'D - Bayonne, N. J.  
HAWP 43F  
#10  
6-5-08

**NOTICES SENT THIS 23<sup>th</sup> DAY OF MAY, 2008, TO:**

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

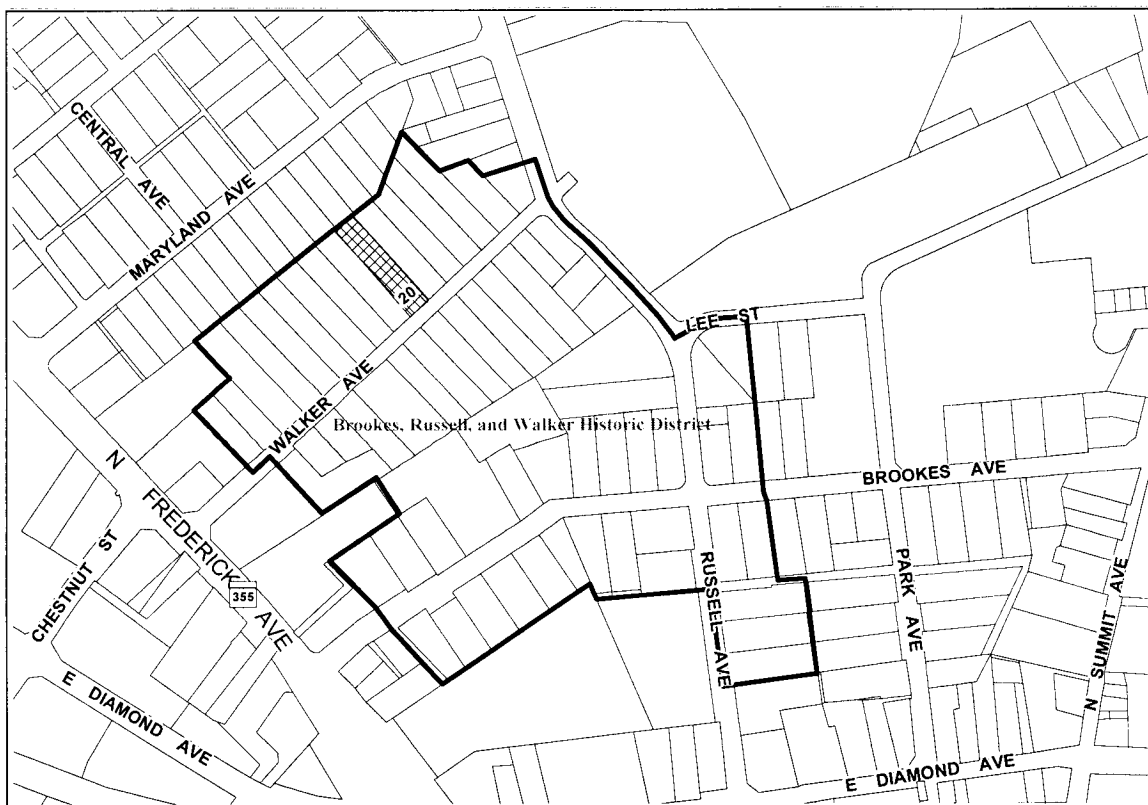
HISTORIC PRESERVATION ADVISORY COMMITTEE

HISTORIC DISTRICT COMMISSION

CITY STAFF

Jim Arnoult, Acting City Manager  
Frederick J. Felton, Assistant City Manager  
Tony Tomasello, Assistant City Manager  
N. Lynn Board, City Attorney  
Britta Monaco, Public Information Director  
Doris Stokes, Administrative Assistant  
Jeff Baldwin, City Web Administrator (via email)

**LOCATION MAP**



OCCUPANT  
21 MARYLAND AVE  
GAITHERSBURG MD 20877

OCCUPANT  
11 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
15 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
17 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
19 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
21 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
23 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
25 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
27 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
13 MARYLAND AVE  
GAITHERSBURG MD 20877

OCCUPANT  
15 MARYLAND AVE  
GAITHERSBURG MD 20877

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GAITHERSBURG MD 20877

OCCUPANT  
27 MARYLAND AVE  
GAITHERSBURG MD 20877

OCCUPANT  
12 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
14 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
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GAITHERSBURG MD 20877

OCCUPANT  
18 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
20 WALKER AVE  
GAITHERSBURG MD 20877

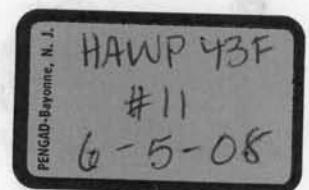
OCCUPANT  
22 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
24 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
26 WALKER AVE  
GAITHERSBURG MD 20877

ELIZABETH B WITZGALL  
20 WALKER AVE  
GAITHERSBURG MD 20877

JOSEPH F & L SCHULER  
30 WALKER AVE  
GAITHERSBURG MD 20877



RE: HAWP 43-F

Christoph & Elizabeth Witzgall  
20 Walker Avenue  
Gaithersburg MD 20877

May 29, 2008

Historic Preservation Advisory Committee  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg MD 20877

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The other tree is an old box elder tree which is located along the property line of 18 Walker Avenue. This tree is in trouble. Many of its branches are dead because it is boxed in between two other trees of its size. Heavily shaded on our side by similar trees, almost all of its greenery can be found on our neighbor's side, where fallen branches have been a problem. Two years ago a large size branch broke off. A similar branch which we estimate at about 18 feet extends almost horizontally over the area where the children play at 18 Walker. It presents cause for concern.

We therefore ask for permission to remove these trees.

We are in favor of replacement, as all our trees are quite old. However the trees considered for removal are not free-standing. In the case of the black cherry, the contracted arborist has recommended against stump removal so as to not damage the roots of the adjacent trees. The situation is similar for the box elder. This consideration points to issues concerning the suitability and feasibility of the replacement locations. We therefore suggest that we make a decision about replacement in consultation with the arborist after the removals have been completed.

Sincerely,

Elizabeth Witzgall Christoph Witzgall

