

Summary of Testimony

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Holmes. The Applicant testified in support of the application.

Findings of Fact

Based upon the evidence, the Commission makes the following findings of fact:

A. The Subject Property

The property is located in the Ellicott City Historic District and is listed on the Historic Sites Inventory as HO-315, the George Burgess House. According to SDAT the building dates to 1800, but the Historic Sites Inventory indicates the building was most likely constructed in the 1840s.

The property owners have been before the Commission for several other cases regarding the repairs and alterations to this house and site (10-21, 11-42, 12-14, 12-22, 12-44, 13-13, 13-14, 13-48, 13-49, 15-10, 15-45, 15-53, 16-59, MA-17-14 and 17-45). The most recent case, HPC-17-45 was submitted for the July 2017 meeting, but was withdrawn prior to the meeting. The HPC-17-45 application proposed the construction of a pool and other site features, similar to the current application.

B. Proposed Improvements

The Applicant proposes to make alterations at the front of the property along Ellicott Mills Drive and along the driveway to the house, as described below:

- 1) **Stone Pillar** - Construct a single stone pillar on the right side of the driveway, set back approximately 5 feet from the sidewalk. The stone pillar will be approximately 22" x 22" x 48" H, on top of a concrete footer. The pillar will be faced with Carderock stone, consisting of mostly grays with some brown tones, to match the existing stone retaining walls along the driveway and parking area. A bluestone cap will be on top of the pier, approximately 2 inches thick and will overhang the pier about 1 to 2 inches on each side. Refer to Figure 20.
- 2) **Address Plaques** - Install two black aluminum address plaques on the front of the pier. The upper plaque will be approximately 16 inches wide by 11 inches high and will read "Welcome" and have the image of a pineapple below. Underneath the pineapple, will be the main house number "3880". The second plaque will be 15.75 inches wide and 6 inches high and read "3884", the address of the barn. All lettering will be gold and raised. A 12-inch-wide hardscape lighting strip will be installed under the capstone to illuminate the address at night. Refer to Figure 22.
- 3) **Custom Art Work** - Install a custom made 15-inch-high art piece on top of the bluestone cap to reference the historic site's industrial heritage. The art piece will consist of a round, antique grinding stone, set into the bluestone cap. A toothed metal gear (non-rusting, brown in color), referencing the gears used in local water powered mills will be attached. A black powdered coated metal sculpture that is designed based on a historic door latch from the house, will be installed and subtly backlit at night

using a puck-shaped LED light. The electrical outlet on the pillar will be on the back side of the column, not visible from the public right-of-way.

- 4) **Driveway Path Lights and Spot Lights** – Install lights along the driveway, to consist of:
 - a. one Kichler dome path light (Kichler lighting 15857AZT30R- Pierced Dome, 22.25 inches high by 3.8 inches wide, LED 3000K) every 17 feet between the proposed address column and the top of the driveway, on the north side (right if looking from street) of the driveway, for a total of seven lights. The dome path light will not be placed in front of the rock outcropping halfway up the driveway. Refer to Figure 25.
 - b. In front of the rock outcropping, install three small black LED spotlights to provide a cross-lit illumination at night (Phillips Hue 2.8 inches wide by 7.6 inches high). Refer to Figure 24.
- 5) **Driveway Freestanding Pole Light** - Install a single motion-sensor Hepworth Black Finish lamp post that is 76 $\frac{3}{4}$ inches tall with a 19-inch Kichler Ashland Bay zinc post light on top that will be located on the east side of the parking. The application notes the light will not be visible from Ellicott Mills Drive. Refer to Figures 26 and 27.
- 6) **Kitchen Porch Step Lights** – Install one recessed louvered, down lit step light, centered on every other step (three of six steps) on the kitchen porch staircase. White fixtures 4-inches wide by 2-inches, set into the risers. Refer to Figures 28 and 29.
- 7) **Main House Porch Step Lights** - Install two lights every other wider front porch step. White fixtures 4-inches wide by 2-inches high, set into the risers. Refer to Figures 30 and 31.

C. **Staff Report**

Stone Pillar, Address Plaques, Custom Art (Items 1, 2, 3)

Chapter 9.D: Landscape and Site Elements; Walls, Fences, Terraces, Walkways and Driveways

- 1) *Chapter 9.D recommends, “construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.*

Stone Pillar (Item 1) - The stone address pillar will be faced with natural stone that has been used elsewhere on the property. The stone pillar will also be compatible with the setting, as the historic house is constructed of stone and brick, and there are natural stone outcroppings along the driveway.

Address Plaques (Item 2) - The address plaques will be a black metal with gold detailing, which is compatible with other address plaques on the building and nearby historic buildings.

Custom Art (Item 3) - The use of the millstone as a piece of art is compatible with the historic building, which was associated with the historic Burgess Mill. Prior to the 2018 flood, a local historic millstone was located in a park at the corner of Main Street and Ellicott Mills Drive.

Driveway Path Lights and Spot Lights and Freestanding Pole (Items 4a/b and 5)

Chapter 9.E: Landscape and Site Elements, Outdoor Lighting Fixtures

- 2) *Chapter 9.E explains, “in residential neighborhoods, low level lighting along driveways or attached to buildings is appropriate.”*

- 3) *Chapter 9.E explains, “New lighting fixtures do not need to replicate the style of historic lamps. Nevertheless, they should be simple and unobtrusive and scaled for the pedestrian environment.”*
- 4) *Chapter 9.E recommends, “choose and locate lighting fixtures to be visually unobtrusive. Use dark metal or a similar material.”*
- 5) *Chapter 9.E recommends, “use freestanding lights that are no more than six feet high for individual residential properties.”*
- 6) *Chapter 9.E recommends, “to the extent possible, direct or shield lighting so that it does not create glare or spill onto neighboring properties. Design lighting to provide a reasonable level of brightness for the intended purpose.”*

Driveway Path Lights (Item 4a) – The proposed dome path lights, spaced every 17 feet, comply with the Guidelines that the use of low-level lighting along driveways is appropriate. The fixtures will be dark metal, complying with the Guidelines, and will match other fixtures on the property.

Driveway Spot Lights (Item 4b) – The proposed spot lights, to create a cross-lit illumination on the rock outcropping on the hillside do not completely comply with Guideline recommendation #6 above. The Phillips Hue product is an LED product that has adjustable levels of brightness, but can be bright at the maximum setting. The product also comes with multi-colored lights and the spec provided was not sufficient to determine which product is proposed to be used. The Guidelines recommend shielding lighting so that it does not create glare and providing a reasonable level of brightness for the intended purpose. Provided that that the lighting is yellow dimmed lighting and not a bright white/blue or other color of

lighting, the spot lights could be appropriate. The light fixtures are black, which comply with the Guidelines. While the fixtures are modern in appearance, they are simple and unobtrusive.

Driveway Freestanding Pole Light (Item 5) - The proposed freestanding light post will be 6.3 feet, with the lantern on top adding another 19” inches in height, for a total of 7.91 feet. The height of the fixture does not comply with the Guidelines. However, the fixture will be positioned at the top of the driveway in a location that will not be visible from the public right-of-way. The location of the light will be on a hillside, so it is unclear if the hill will be graded to accommodate the light. The light otherwise complies with the Guidelines and is constructed of dark metal, which is in a style compatible with the historic structures.

Kitchen Porch Steps Lights and Main House Porch Step Lights (Items 6 and 7)

Chapter 9.E: Landscape and Site Elements, Outdoor Lighting Fixtures

- 7) *Chapter 9.E recommends, “place attached lighting fixtures in traditional locations next to or over a door.”*
- 8) *Chapter 9.E recommends, “choose and locate lighting fixtures to be visually unobtrusive. Use dark metal or a similar material.”*

Chapter 4: The Secretary of the Interior’s Standards, Standard 2

- 9) *The historic character of a property shall be retained and preserved. The removal of distinctive materials or alterations of features, spaces and spatial relationships that characterize a property shall be avoided.*

Chapter 6.F: Rehabilitation and Maintenance of Existing Buildings; Porches and Balconies

- 10) *Chapter 6.F recommends against, “adding or replacing porch features using material not appropriate to the building’s style.”*

Kitchen Porch Step Lights (Item 6) – The frame house addition and attached porch are modern additions and are not historic. The orientation of the kitchen porch steps is such that the railing is more visible upon approach than the staircase risers. The Guidelines recommend attaching light fixtures in traditional locations, such as next to or over a door. The addition of the white recessed step lights does not comply with the recommendation, but would not adversely impact the structure since it would be applied to modern steps on a modern addition that are not highly visible. In this location, the step lights would be unobtrusive. The installation of the step lights on the modern steps/addition comply with the Standard #2 from the Secretary of the Interior Standards and will not affect the historic character or alter features that characterize the property.

Main House Porch Lights (Item 7) – The addition of step lights on the front porch of the historic house does not comply with the Secretary of the Interior Standards, Standard #2 referenced above or the Guidelines. This portion of the front porch is the most visible view of the historic structure. The addition of modern step lights on the front porch steps is not an appropriate alteration to the historic structure. Additional lighting could be achieved through spotlights placed in the garden beds next to the steps or by adding/changing light fixtures next to the front door.

D. Staff Recommendation

Staff recommends the HPC approve: Item 1 (Stone Pillar), Item 2 (Address Plaques), Item 3 (Custom Art), Item 4a (Driveway Path Lights), Item 5 (Driveway Freestanding Pole Light), Item 6 (Kitchen Porch Step Lights).

Staff recommends the HPC determine if Item 4b (Driveway Spot Lights) and Item 7 (Main House Porch Step Lights) comply with the Guidelines and approve or deny accordingly.

E. Testimony

Mr. Shad swore in Lisa Wingate and Laura Steensen. Mr. Taylor asked if the applicants were withdrawing Items 6 and 7 of the application. Ms. Wingate said the applicants would withdraw Items 6 and 7, the step lights for the porch and main house. Ms. Wingate clarified that Item 4b, the driveway lights, would be dim and not colored. She said the intent of the lights is to be a dim highlight of the rock outcropping. Ms. Wingate brought a model for Item 3, the custom art, to show the Commission what it would look like. Mr. Roth asked what the prongs were around the model. Ms. Wingate said the prongs were a gear. She said the intent was to reference through art what happens in a mill, as this property was part of the mill. Ms. Tennor asked where the mill stone would be located. Ms. Wingate said the mill stone is standing on end and sunken into the top of the pillar.

Mr. Roth discussed the proposed lighting and the applicability of the guidelines with the applicants, Commission and Staff.

F. Motion

Mr. Reich moved to approve the application as submitted, omitting Items 6 and 7. Ms. Tennor seconded. The motion was unanimously approved.

Conclusions Of Law

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

A. Standards of Review

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 4 addresses the Secretary of the Interior's Standards for rehabilitation of historic structures. Chapter 6 sets forth the relevant recommendations for Rehabilitation and Maintenance of Existing Buildings in the Historic District and Chapter 9 addresses Landscape and Site Elements

B. Application of Standards

Applying these standards and guidelines to the Subject Property, the Commission finds that it does contribute to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of

the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant proposes additional work at a historic home located on Main Street that has been the subject of several applications in recent years as detailed in section A of the Findings of Fact. In addition, another application was heard at the same hearing as this case; 20-08b. The proposed work considered here includes landscape work along the driveway and the front and side of the house. This includes the construction of a stone pillar with two metal address plaques. The pillar to be faced with natural stone that has been used elsewhere on the property and the address plaque will be of black metal with gold detailing, which is compatible with other address plaques on the building and nearby historic buildings. Likewise, the stone is compatible with the historic and architectural character of the house and the surrounding area. The stone pillar will be topped with a millstone artwork that references the historic Burgess Mill, and is compatible with the house and surrounding area.

The proposed work also includes new lighting at various places on the property. These include seven dome lights along the driveway and three small black LED spotlights in front of an existing rock outcrop. These lights will be “dim,” in the words of the Applicants, white light, and so shall not cause light pollution on neighboring structures, while providing for night time visibility and accenting a rock outcrop that is a natural feature characteristic of Ellicott City. The fixtures are simple and unobtrusive, will be dark metal, complying with the Guidelines, and will match other fixtures on the property. The Applicant also proposes to install a freestanding light post with a lantern on top, for a total height of 7.91 feet. The Guidelines recommend 6 feet for residential structures and 14 feet for commercial. Here, the post is appropriate for the scale of the property and the specific location which is at the top of

the driveway in a location that will not be visible from the public right-of-way. The location of the light will be on a hillside, so it is unclear if the hill will be graded to accommodate the light. The light complies with Guideline recommendations to be constructed of dark metal in a style compatible with the historic structure.

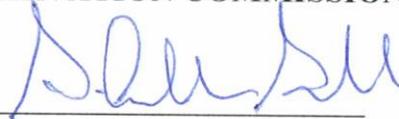
The Applicant withdrew the requests for lighting on the kitchen porch and main porch (Items 6 and 7).

For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work approved here will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.

ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 7th day of May, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED, as amended herein.**

HOWARD COUNTY HISTORIC PRESERVATION COMMISSION



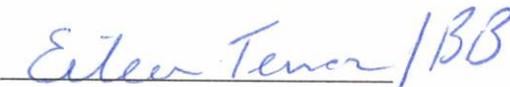
Allan Shad, Chair

 /BB

Bruno Reich

 /BB

Drew Roth

 /BB

Eileen Tennor

 /BB

Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor

Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.

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B. Proposed Improvements

The applicant proposes to construct a pool, a 6-foot high berm, retaining walls, fence and make other corresponding site alterations, as described below:

Pool and Related Elements

- 1) **Pool** – Construct an 18-foot wide by 36-foot long in-ground swimming pool in the backyard. Refer to Figure 32.
- 2) **Coping** – Install bluestone coping around pool.
- 3) **Patio pavers around pool** – Install 1.5-inch thick full colored cleft bluestone varied in size to serve as pool deck on the southern half of the pool, set in CR6 base. Pool decking/bluestone pavers will not be on the northern half of the pool, that area will be landscaped. A portion of the existing Nicolock concrete pavers will be removed to install the new bluestone pavers. Refer to Figure 33.
- 4) **Channel Drain** - Install black trench drains flush with the pavers around the East, South and West borders of the pool. The drains will be a 3-inch NDS 900 black catch basin.
- 5) **Walkway and Gate**– Construct a single, 3-foot-wide walkway from the existing patio east to the proposed fence line. Use Nicolock Old Town pavers to match existing paving material. There will be a 6-foot wide gate where the 3-foot wide walkway exits to allow for equipment access. The style of the gate will match the fence. Refer to Figure 35.
- 6) **Berm, Boulders and Slide** – Construct a 6-foot high berm, with plantings, along the north side of the pool to provide screening from the adjacent Burgess Mill apartments. The berm will be constructed from stacked natural boulders and it will be landscaped with plantings. A water feature will flow down the cascade of boulders and into the pool. Natural stone steps will lead up to a medium taupe colored fiberglass water slide through the berm rocks. Refer to Figure 34.

- 7) **Pool Fence** – Install a 4-foot 6-inch black aluminum fence around the backyard pool area, as required by Code, as shown on the site plan. The fencing will resemble the existing fence (black aluminum with ball caps at supports posts) along the northwest corner of the house.
- 8) **Gates** – Install two gates in fence line. One fence will be a single 3-foot-wide gate on the west of the house and the second will be a double 6-foot wide gate on the eastern side.
- 9) **Mechanical Equipment Pad** – Install a 4-foot by 16-foot concrete pad for pool equipment. The pad will be hidden in the landscaping beyond the northeast corner of the pool.
- 10) **Mechanical Equipment Structure/Fence** – Construct board and batten sides/fence to the mechanical equipment pad, if noise is determined to be of concern. To be constructed of wood, unstained and unpainted, and will not exceed 5 feet in height.

Retaining Walls, Fireplace and Pergola – West Side of Rear of Property

- 11) **Existing Retaining Wall** – Remove a 14-foot section of the existing low concrete retaining wall that currently curves north beyond the northwest corner of the house.
- 12) **Existing Retaining Wall Trim** – Remove the existing bullnose trim from the remaining section of wall, and face the top and front of the wall with natural Carderock stone to match that used elsewhere on the property.
- 13) **New Retaining Walls** – Construct a new double retaining wall on the west side of the property. The retaining walls will be locally sourced natural Carderock stone, on top of concrete footers. The stone will be mortared in place, using a buff colored mortar.

The top course of the natural capstone will have a 1-inch reveal to accommodate subtle rope lighting.

- a. The lower wall will be 41 linear feet, excluding the width of the proposed new fireplace, and will not exceed 2-feet in height.
- b. The upper retaining wall will be 51 linear feet in length and will not exceed 2-feet 9-inches in height.

14) Fireplace – Install a 48-inch wide by 10 feet high pre-assembled masonry fireplace and chimney (Standard series line). The fireplace will be faced with the same Carderock stone mortared in place to match the adjacent stone walls. The hearth will be Bluestone. The chimney will extend about one foot above the proposed pergola roof. Refer to Figures 40-42.

15) Millstones – Install two 20-inch diameter millstones in retaining wall, on either side of the fireplace, per the illustration in the application. Refer to Figure 41.

16) Pergola – Construct a 16-foot long by 10-foot wide by 9-feet 6-inches high cedar wood pergola. The cedar will not be painted or stained and is intended to weather and gray, similar to the siding on the barn residence.

17) Pergola Solar Panels - Install 10 partially translucent solar panels as the pergola roof. Each panel will be 1.5 inches thick, laying flat on 1.6-inch high metal rails painted brown and bolted to the structure. The roof will consist of 10 panels (5 feet by 2 feet) for a total of 65 inch in length by 41 inches in width. The panels will be connected with clear 3-inch wide joining tape at the seams to form a watertight seal. There will be a slight 3% drain pitch toward the west/fireplace.

- 18) Pergola Gutter** – This does not appear to be referenced in the application, but the applicant noted a gutter would be installed on the west side of the pergola, facing the fireplace.
- 19) Pergola Patio** – Under the pergola, install a 5-foot by 7-foot paving inset of natural river stones.
- 20) Ceiling Fan** – Install one 52-inch diameter brown Hunter ceiling fan on the center beam
- 21) Carriage Lights** – Install two Kichler Ashland Bay carriage style light fixtures, one fixture to be placed on each of the corner support posts closest to the fireplace (west), to be located inside the pergola facing the pool (east).

Shed and Outdoor Shower

- 22) Shed and shower** – Construct a 6-foot-deep by 6-foot-long by 6.5-foot-high structure made from board and batten. Part of the structure will be an open air (no ceiling) 4-foot by 6-foot outdoor shower adjacent to a 2-foot by 6-foot storage shed that will have a galvanized metal roof. The shower will be placed over a 6-inch gravel bed. The shower/shed will be constructed with pressure treated posts and wrapped in 10-inch poplar wood planks with 3-inch tapered batten strips. The wood will be unstained/unpainted and allowed to weather, similar to the siding on the barn.
- 23) Door Hardware** – The door hardware will be black metal.
- 24) Outdoor Lights** – The same Kichler Ashland Bay carriage style 11-inch zinc light fixture will be mounted on the south wall of the structure.

Existing Concrete Slab

25) Cedar posts – Install two 8-foot high 4”x4” cedar posts with Simpson Strong-Ties, situated on the north corners of the existing concrete hot tub pad, with an oil rubbed bronze curtain rod connecting them. Refer to Figure 36.

26) Paver Border– Install Nicolock Old Towne paver border around existing concrete pad (located behind house). The Nicolock Old Towne pavers are the paving used for the existing patio. Refer to Figure 36.

Retaining Wall – Northeast Perimeter of Property

27) Northeast Retaining Wall – Construct a low retaining wall, 56 linear feet, made of interlocking concrete blocks outside of the proposed fence line, at the east perimeter of the property. The property drops off steeply at this location and is subject to erosion. The proposed retaining wall will use Belgard Diamond 9 concrete blocks, in the color Bella (consisting of browns and grays), with the intent to camouflage with the wooded surroundings. The low retaining wall will span approximately 56 linear feet and range in height from 6-inches to 2-feet 9-inches. Refer to Figures 37-39.

Landscape Plantings

- 28) Landscaping** – Install landscaping according to the plan included in the application.
- a. Install approximately 6 crepe myrtles across the north edge of the existing patio to create a spatial separation from the proposed pool area. The trees will be accented with up-lights.
 - b. Install approximately 5 native, multi-trunk River Birch at the east end of the proposed patio to supplement the existing Elms, creating a forest-like environment in order to provide additional screening from Ellicott Mills Drive.

- c. Install additional base plantings to soften the transition from pavement to grass.
- d. The five existing Elms are to remain.
- e. A variety of evergreen and other plantings will be installed north of the pool and west of the terraced retaining walls.

C. Staff Report

Pool, Coping, Patio Pavers, Channel Drain, Walkway and Gate (Items 1-5)

Chapter 7: New Construction: Additions, Porches and Outbuildings

- 1) *Chapter 7 recommends, “attach additions to the side or rear of a historic building to avoid altering the primary façade. Consider the impact of the addition on side, rear and rooftop views of the building from public ways.”*

Chapter 9.D: Landscape and Site Elements; Walls, Fences, Terraces, Walkways and Driveways

- 2) *Chapter 9.D recommends, “construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.”*
- 3) *Chapter 9.D recommends, “construct new terraces or patios visible from a public way from brick, stone or concrete pavers designed to look like indigenous stone.”*

Pool, Coping, Patio Pavers, Channel Drain (Items 1-4) – The Guidelines do not address the construction of in-ground pools. However, if the pool is treated as an alteration similar to a building addition, the Guidelines for new additions would apply. The location of the proposed pool complies with the Guidelines and will be located in the rear yard and will not impact the primary façade of the historic building, nor should it be visible from the public

right-of-way since it will be an in-ground feature. The pool will be visible from the neighboring Burgess Mill apartments.

The materials used on the pool coping and pool patio are bluestone, which complies with the Guidelines to construct new patios from stone. The stone will complement the other use of stone on the site, such as in the proposed retaining walls. The channel drains are a necessary component to the pool and will be integrated into the patio around the pool and will not be highly visible from the public right-of-way.

Walkway/Gate (Item 5) and Paver Border for Existing Concrete Pad (Item 26)– The proposed walkway to the east side of the property fence line will use Nicolock pavers, to match the existing rear patio, which is where the walkway will be located. The proposed border around the existing concrete slab, on the other side of the existing Nicolock patio will also use Nicolock pavers. The use of an existing, approved paver complies with the Guideline recommendations above as the alteration will be compatible with nearby materials and the historic setting. The gate will be discussed below.

Fencing and Gate (Item 7 and 8)

Chapter 9.D: Landscape and Site Elements; Walls, Fences, Terraces, Walkways and Driveways

4) *Chapter 9.D recommends, “install open fencing, generally not more than five feet high, of wood or dark metal.”*

Pool Fence and Gate (Items 7 and 8)– The proposed fencing and gate generally complies with the Guideline recommendations. The fencing will be black metal and similar in design to other fencing on the rear of the property.

Mechanical Equipment Pad (Item 9)

Chapter 9.D: Landscape and Site Elements; Walls, Fences, Terraces, Walkways and Driveways

- 5) *Chapter 9.D recommends against, “new patios of poured concrete slabs in readily visible locations.”*

Mechanical Equipment Pad (Item 9) – The proposed concrete pad will be located in the rear yard, nestled into the landscaping in order to hold the mechanical equipment for the pool. The concrete pad will be not be visible from the public right-of-way. The size of the pad is quite large at 16 feet in length, and should be reduced if possible, but otherwise complies with the Guideline recommendations.

Northeast Retaining Wall (Item 27)

Chapter 9.A: Landscape and Site Elements; Topography and Water Courses

- 6) *Chapter 9.A recommends, “minimize grading by siting new structures and other improvements to make use of the land’s natural contours. When necessary, use appropriately designed retaining walls or building walls to create the minimum level area needed for a new use in accordance with historic development patterns.”*

Chapter 9.D: Landscape and Site Elements; Topography and Water Courses

- 7) *Chapter 9.D recommends, “construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.”*
- 8) *Chapter 9.D explains, “retaining walls of granite, brick or timber may be appropriate, depending on the context. Concrete walls can be used in locations with very little visibility. New granite walls are expensive, but retaining walls faced with granite or*

with a surface treatment that resembles Ellicott City's typical stonework can be appropriate in visible locations."

Northeast Retaining Wall (Item 27) – The proposed Northeast retaining wall will prevent the property from further eroding at this location. The proposed Belgard concrete block pavers were chosen based on the color pattern, which the applicant finds would blend with the neighboring forested area. The intent is for the retaining wall to blend in and not be visible. The proposed retaining wall complies with the Guideline recommendations as the proposed block is compatible with the immediate forested setting.

Berm (Item 6) and Mechanical Equipment Structure/Fence (Item 10), West Retaining Wall and Pergola, Shed and Outdoor Shower, Landscaping (Items 11-28)

Chapter 7: New Construction: Additions, Porches and Outbuildings

9) *Chapter 7 recommends, "attach additions to the side or rear of a historic building to avoid altering the primary façade. Consider the impact of the addition on side, rear and rooftop views of the building from public ways."*

10) *Chapter 7 recommends, "if allowed by the size and shape of the property, place new outbuildings to the side or rear of the main building, separated from the main building by a substantial setback."*

11) *Chapter 7 recommends, "design outbuildings visible from a public way to be compatible in scale, form and detailing with historic structures and outbuildings in the neighborhood."*

Chapter 9.A: Landscape and Site Elements; Topography and Water Courses

12) *Chapter 9.A recommends: "minimize grading by siting new structures and other improvements to make use of the land's natural contours. When necessary, use*

appropriately designed retaining walls or building walls to create the minimum level area needed for a new use in accordance with historic development patterns.”

Chapter 9.B: Landscape and Site Elements; Trees and Other Vegetation

13) Chapter 9.B recommends:

- a. *“Include landscaping improvements as part of any construction project in locations visible from a public way. In most cases, use plant varieties native to the area.”*
- b. *“Plant new trees and shrubs far enough from buildings to avoid moisture problems and damage to the buildings from falling limbs and roots as the plants grow.”*

Chapter 9.D: Landscape and Site Elements; Walls, Fences, Terraces, Walkways and Driveways

14) Chapter 9.D recommends, *“construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.”*

15) Chapter 9.D explains, *“retaining walls of granite, brick or timber may be appropriate, depending on the context. Concrete walls can be used in locations with very little visibility. New granite walls are expensive, but retaining walls faced with granite or with a surface treatment that resembles Ellicott City’s typical stonework can be appropriate in visible locations.”*

Secretary of the Interior Standards for Rehabilitation:

***Standard 1** – A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.*

***Standard 9** – New additions, exterior alterations or related new construction shall not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, feature, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

***Standard 10** – New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Solar Panels and Other Solar Devices

16) Add solar panels on a roof surface not visible from a public way.

17) Located detached arrays of solar panels and solar devices at a historic site in the rear or side yard if the arrays are not highly visible from the public streets and do not detract from other major character-defining aspects of the site. The location of detached solar arrays should also consider visibility from adjacent properties, which shall be reduced to the extent possible while still maintaining solar access.

The remaining items to be reviewed will be the most altering to the rear of the property. The existing rear yard directly behind the house is relatively flat and increases in grade significantly to the west and then decreases significantly in grade to the east beyond the property line. As shown in the landscape and site plan, the majority of the rear yard will be disturbed with some type of alteration. Aside from new landscaping trees and shrubs, the

applicant proposes to construct a 6-foot berm with boulders and a slide, three new structures, and a set of double retaining walls. While each item will be addressed below, it is important to note that it is the comprehensive plan that results in a change of character to the property, even though one item might be fine and comply with the Guidelines on its own. The application generally complies with the Guidelines and Secretary of the Interior Standards since the alterations are to the rear of the property and are not connected to the historic house. However, the alterations do change the character of the property by altering the site and spatial relationships. When possible, a reduction in proposed site features would assist the application in better complying with the Guidelines and Standards.

Berm, Boulders and Slide (Item 6) – This item is proposed to be constructed directly behind the pool and main historic house, to create a buffer between the Burgess Mill apartments and the pool, but also to provide an elevation for the slide. The berm will consist of boulders and landscaping and the slide will be a neutral color to blend. As rock outcroppings are common throughout Ellicott City, and on this property. The installation will be located in the rear yard and should not be highly visible from the public right-of-way. The proposal generally complies with the Guidelines recommendations to construct new site features to be compatible with the setting and nearby historic structures.

Mechanical Equipment Structure/Fence (Item 10) – The applicant is requesting approval of this item in the event that the noise from the mechanical equipment is too loud. The proposed concrete pad the equipment will sit on is 4 feet by 16 feet. The fence would be constructed to follow these dimensions. The height is not referenced in the application, but the applicant noted it would not exceed 5 feet in height. Given the amount of alterations and vertical structures proposed to be constructed in the rear yard, and that this item is proposed

as an option, Staff recommends the HPC recommend it be withdrawn and resubmitted in the event it is needed. This would be a large structure that serves no purpose other than buffering sound, which could be accomplished through different landscaping.

West Retaining Walls, Fireplace, Pergola and associated components – (Items 11-21)

– The proposed retaining walls comply with the Guidelines to create the minimum level area needed for the proposed pergola and other site alterations. The retaining walls will be constructed with real stone, which complies with the recommendations for new site features to be compatible with the setting and historic structures and to face retaining walls in stone. The west stone retaining walls will be compatible with the historic building which has a stone basement level, and with other site features.

The pergola will be located in the rear yard and should not be highly visible from the public right-of-way. It will be constructed of cedar wood, and allowed to weather. The solar panels on the roof of the pergola appear to be translucent and otherwise comply with the Guideline recommendations as they will not be attached to the historic structure, will be a detached array in the rear yard, and are not visible from the public right-of-way. The panels may be visible from Burgess Mill, the neighboring property. It is not referenced in the application, but the applicant noted in person that the owner wanted to install a gutter on the pergola. This is not a typical treatment for a pergola and is not recommended from a design perspective. The paving treatment under the pergola also complies with Chapter 9 recommendations for creating new site features.

The outdoor lighting fixtures and fan will be constructed of dark metal and will not be visible from the public right-of-way and comply with the Guideline recommendations. The

proposed placement of the millstones does not conflict with the Guidelines as the use of the millstones directly relates to the history of the site.

Shed and Outdoor Shower – (Items 22, 23, 24) – The proposed shed/outdoor shower will be constructed of board and batten wood and a galvanized metal roof, to match the design of the siding on the front barn. The proposal complies with the Guidelines as it is placed behind the historic structure and is compatible in form and detailing with the existing rear historic outbuilding and front modern barn. The hardware will be black metal, which complies with Guideline recommendations. The same carriage lights will be used on this structure that are proposed to be used along the driveway and pergola and will be used consistently on site and not visible.

Existing Concrete Slab Cedar Posts (Item 25) – The proposal to add two 8-foot-high 4”x4” cedar posts, with a curtain rod between them to provide privacy for a future hot tub seems preemptive. The posts serve no practical purpose at this time and will be very tall. Staff recommends the HPC recommend the item be withdrawn at this time, and provide advice on whether this could be approved, or if the applicant should find a different screening method, such as a tilted outdoor umbrella that can be moved as needed and is not secured in place.

Landscaping (Item 28) – The proposed landscaping complies with the Guideline recommendations to include landscaping with a construction project and includes some native plants.

D. Staff Recommendation

Staff recommends the HPC approve:

- 1) Items 1-5: Pool, Coping, Patio Pavers, Channel Drain, Walkway and Gate
- 2) Item 6: Berm, Boulders and Slide

- 3) Items 7 and 8: Fencing and Gate
- 4) Item 9: Mechanical Equipment Pad; to be reduced in length if possible
- 5) Items 11 and 12: Alterations to existing, non-historic retaining wall
- 6) Items 13-17: (Item 13) New stone retaining walls, (Item 14) Fireplace, (Item 15) Millstones, (Item 16) Pergola, (Item 17) Pergola solar panels
- 7) Items 19-21 – (Item 19) Pergola patio, (Item 20) Ceiling fan, (Item 21) Carriage lights
- 8) Items 22-24 – (Item 22) Shed/shower structure, (Item 23) Door hardware, (Item 25) Outdoor lights
- 9) Item 26 – Border around existing concrete slab
- 10) Item 27 – Northeast Belgard concrete block retaining wall
- 11) Item 28 - Landscaping

Staff recommends the HPC recommend the applicant withdraw:

- 12) Item 10: Mechanical Equipment Structure/Fence
- 13) Item 18: Pergola Gutter
- 14) Item 25 – Two 8’ foot tall cedar posts

E. Testimony

Lisa Wingate and Laura Steensen were previously sworn in. Ms. Holmes noted that earlier in the day staff was contacted by the applicant with a corrected and amended application. Ms. Holmes noted that Item 6 was amended to remove the slide and remove the stone steps for the slide; Item 9 was amended to be a 4 foot by 12 foot concrete pool equipment pad and was relocated north of the pool to be more centrally located behind the rock waterfall; Item 10 was amended to include the option of a reed screen fence, if a board and batten fence was not acceptable to the Commission; Item 13a was corrected to note that the lower retaining

wall would be 41 feet long, Item 13b was corrected to note that the upper retaining wall would be 62 feet long, and Item 13c was corrected to have 11 feet of retaining wall returns along the North side of each wall; Item 17 was clarified to explain the pergola solar panels would consist of 10 panels with 5 panels in 2 rows; Item 18 was amended to include the installation of a brown half round gutter and round downspout to drain water off the solar roof away, from the fireplace; Item 27 was corrected to note the Northeast retaining wall would be 145 linear feet; and Item 28 was amended to have sweetspire and golden ragwort included in the landscaping plan.

Ms. Wingate spoke to the Commission about the amended and corrected application changes due to issues that resulted when the property was staked out. The slope in the yard would require building up the land under the mechanical equipment pad which resulted in the aforementioned changes. Ms. Holmes clarified that the berm has been removed from Item 6. Ms. Wingate confirmed the berm was removed from the application. Ms. Zoren asked how tall the pool equipment would be. Ms. Wingate said the equipment would be around four feet tall. Ms. Zoren asked if the equipment fencing was necessary as the waterfall is about the same height as the equipment and would block the view of the equipment. Ms. Wingate said the fencing was necessary because the equipment would be visible to a person standing up; the equipment would also be visible from the second story of the house.

Mr. Reich said he was concerned about the view from Burgess Mill. Ms. Wingate said the plan submitted included cross sections and a list of plant materials. Ms. Wingate said there would be lots of trees between Burgess Mill and the equipment and the pool. Mr. Roth said the foundation grass that is included on the application is part of the Maryland's invasive list,

and suggested the Applicant consider a native Maryland grass. Ms. Wingate amended the application to add a Maryland native grass and remove the invasive grass.

Ms. Tennor asked if the boulders were mortared. Ms. Steensen said the boulders will be mortared together but the mortar will not be visible.

Ms. Wingate asked if the Commission was comfortable with the pergola having solar panels, as the light will still come in through the sides of the panels, but the center will capture the sun. Ms. Holmes asked Ms. Wingate to send specifications on the solar panels. Ms. Wingate said each panel is 65 inches by 41 inches. The roof will be tipped towards the fireplace, and the rain will hit the roof and run toward the fireplace. The homeowners want to collect the rain water in a half round brown gutter and dispense the water into the garden beds. Ms. Tennor asked the type of gutter used on the existing house. Ms. Steensen said the gutters on the house were copper. The Commission discussed if the gutters on the pergola should be an exact match to the gutters on the house to reiterate historic elements. Ms. Wingate said the applicants were trying to reiterate historic elements through the fence and stone materials around the pool. Ms. Zoren asked where the gutter will be located on the pergola. Ms. Wingate said it would be on the side of the pergola facing away from the house. Ms. Tennor said she had no objection to a brown half round gutter.

Mr. Roth asked if the plants would be on the inside of the fence. Ms. Wingate said the plants would be on the inside of the fence to leave a gap between the neighboring property fence to allow deer to pass.

The Commission asked where the gates to the fence would be located. Ms. Wingate said there would be one gate at the top of the property and one on the south of the property made of cedar posts.

Ms. Wingate explained the proposed changes to the existing concrete pad, which is for a future hot tub. The applicants want to add a band of paving materials around the concrete, and two 4x4 eight-foot-tall posts so that they can pave around them. Ms. Tennor asked for the function of the posts. Ms. Wingate said the posts will connect with a shower curtain rod to provide privacy from Burgess Mill.

Mr. Roth suggested putting down a post base sleeve so that the post can be removed as needed. Ms. Wingate said she wants the Commission to understand there would be a 4-inch post placed and amended the application to install a a fence post base to hold the posts, so that they might be removed when not in use or installed until needed..

Mr. Reich asked where the Commission was on the fencing for the mechanical equipment pad. Ms. Tennor said she would like the pool equipment fencing to come back in as a Minor Alteration once the pool was constructed and the screening and height could be determined. The Applicant agreed.

F. Motion

Mr. Reich moved to approve the application as amended. Mr. Roth seconded. The application was unanimously approved.

Conclusions Of Law

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

A. Standards of Review

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 9 sets forth the relevant recommendations for Landscape and Site Elements and Chapter 7 sets forth the relevant recommendations for New Construction: Additions, Porches and Outbuildings in the Historic District, as detailed in the Findings of Fact, part C.

B. Application of Standards

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that

the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant proposes additional work at a historic home located on Ellicott Mills Drive that has been the subject of several applications in recent years as detailed in section A of the Findings of Fact. In addition, another application was heard at the same hearing as this case; 20-08a. The proposed work considered here includes a pool and related features around a backyard patio. Several amendments were made to the application, as detailed in the Testimony in section F of the Findings of Fact.

The Applicant proposes to construct an 18-foot x 36-foot in-ground swimming pool at the rear of the historic home. The pool will have bluestone coping and bluestone pavers will be used for the pool deck for the southern half of the pool, with the northern half vegetated, and including a boulder feature, with a channel trench drain on three sides of the pool. The pool complies with Guidelines recommendations to locate such structures at the rear of historic buildings. The pool will not impact the primary façade of the historic building, and it will not be readily visible from the public right-of-way because it is an in-ground pool. The bluestone also complies with Guideline recommendations to use stone, and it will complement other stone features on the property.

The proposed walkway, fencing and gate also comply with Guidelines recommendations. The walkway will use Nicolock pavers that match the existing patio. The proposed border around the existing concrete slab, on the other side of the existing Nicolock patio will also use Nicolock pavers. The use of an existing, approved paver complies with the Guideline recommendations to use compatible materials. The fencing

and gate will be black metal, similar in design to other fencing on the rear of the property. Similarly, the proposed 4',6" fence and gates around the pool will also be of similar design and constructed of black metal.

The proposed boulder feature at the pool was amended to remove the berm, slide, stone steps for the slide. The boulder feature is in accord with the Guidelines. Rock outcroppings are common throughout Ellicott City, and on this property. The feature will be located at the rear of the property and will not be highly visible from the public way.

The proposed equipment pad was amended to be a 4 foot by 12 foot concrete equipment located north of the pool to be more centrally located behind the boulder feature waterfall and the proposed fencing was amended to include the option of a reed screen fence option to the proposed board and batten, but the Applicant agreed to submit this work later if necessary.

The Applicant also proposes work on existing retaining walls and three new retaining walls as part of the pool installation and the creation of a fireplace and associated pergola feature. The work on the retaining walls is in accord with Guideline recommendations. There are no significant changes to the existing topography of the property. The proposed Northeast retaining wall will prevent further erosion at the property. The proposed Belgard concrete block pavers were chosen based on the color pattern, to blend with the neighboring forested area so that the wall is less visible. The proposed fireplace retaining walls comply with Guideline recommendations to create the minimum level area needed for the proposed pergola and other site alterations. The retaining walls will be constructed with real stone, which complies with the recommendations for new site features to be compatible with the setting and historic structures and to face retaining walls in stone. The west stone retaining walls will

be compatible with the historic building which has a stone basement level, and with other site features. Furthermore, the proposed alterations are at the rear of the property, not connected to the historic house, and not readily visible from the public way.

The fireplace will be faced with the same Carderock stone to match the adjacent stone walls. The hearth will be Bluestone. The chimney will extend about one foot above the proposed pergola roof. The fireplace and pergola are located in the rear yard and not highly visible from the public way. The pergola will be constructed of cedar wood and allowed to weather. The use of natural materials common in the District is in accord with Guideline recommendations.

The solar panels on the roof of the pergola comply with the Guideline recommendations as they will not be attached to the historic structure, will be a detached array in the rear yard, and are not visible from the public way. The pergola will include a gutter to prevent water from draining onto the fireplace. As with the other proposed paving stones, the paving treatment under the pergola also complies with Guideline recommendations. The outdoor lighting fixtures and fan will be constructed of dark metal, complying with Guidelines recommendations, and will not be visible from the public way. The proposed millstones relate to the history of the site and are compatible with the property and surrounding area.

The proposed shed/outdoor shower will be constructed of board and batten wood and a galvanized metal roof, to match the design of the siding on the front barn. The work complies with the Guidelines as it is behind the historic structure and is compatible in form and detailing with the existing rear historic outbuilding and front barn. The hardware will be black metal, which complies with Guideline recommendations. The same carriage lights will be used on this structure that are proposed to be used on the pergola and along the driveway (HPC 20-

08a) meeting Guideline recommendations on material and design, as well as the recommendations to be consistent on-site and not readily visible.

Finally, the proposed landscaping plan, as amended, complies with Guideline recommendations to include landscaping with a construction project and to include native plants. The Applicant agreed to install metal posts bases for the future cedar posts at the location of possible future hot tub, which will not be visible and therefore comply with the Guidelines.

For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.

ORDER AND CERTIFICATE OF APPROVAL

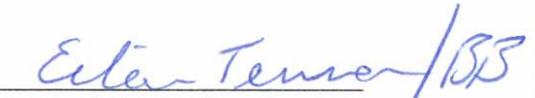
Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 7th day of May, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED, as amended.**

HOWARD COUNTY HISTORIC PRESERVATION COMMISSION


Allan Shad, Chair


Bruno Reich


Drew Roth


Eileen Tennor


Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW


Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.

IN THE MATTER OF
THE APPLICATION OF
DONALD REUWER, JR.

* BEFORE THE
* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL
FOR EXTERIOR PAINTING
AT 8221-8225 MAIN STREET
ELLICOTT CITY, MARYLAND

* HISTORIC PRESERVATION
* COMMISSION
* Case No. 20-09

* * * * *

DECISION AND ORDER

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on March 5, 2020 to hear and consider the application of Donald Reuwer, Jr. (“Applicant”), for a Certificate of Approval for exterior painting at 8221-8225 Main Street, Ellicott City, Maryland (the “Subject Property”). The Commission members present were Allan Shad, Eileen Tenor, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the March 5, 2020 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

Summary of Testimony

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Holmes. A representative of the Applicant testified in support of the application.

Findings of Fact

Based upon the evidence, the Commission makes the following findings of fact:

A. The Subject Property

This property is located in the Ellicott City Historic District. According to SDAT the building dates to 1930.

B. Proposed Improvements

The applicant seeks retroactive approval for exterior painting. The first-floor storefront has been painted Benjamin Moore Prussian Blue, CW 625, and the doors were painted Benjamin Moore Harwood Putty, CW-5. The previous color was a red color; the application states it was a rust shade, which it appeared to be, however other views also show mauve tones. The terracotta tiles on the building are an orange-red clay color and the square tiles are an ivory/yellow off-white color.

C. Staff Report

Chapter 6.N: Rehabilitation and Maintenance of Existing Buildings; Colors and Painting

1) *Chapter 6.N recommends, "use colors that were historically used on the building."*

A staff review of the file revealed that the original building colors are unknown, and previous applicants had expressed interest in discovering the original colors.

2) *Chapter 6.N recommends, "use colors that are generally compatible with (and do not clash with) the colors used in the district, particularly on neighboring buildings. On attached buildings, use the same colors or a coordinated color scheme whenever possible. In general, use calm or subdued colors, reserving bright colors for small, important details such as doors or trim."*

The blue does not clash with the terracotta tiles and yellow/ivory colored tiles. The white doors do stand out against the dark navy blue and do not appear as compatible with the yellow/ivory colored building tiles.

D. Staff Recommendation

Staff recommends the HPC approve the blue but recommends the HPC request a more appropriate color be identified and approved for the doors.

E. Testimony

Mr. Shad asked if anyone in the audience was in opposition to the application and would like to ask questions to the applicants. No one in the audience had any questions. Trae Reuwer, Kim Egan and Joseph Rutter were previously sworn in. Mr. Shad asked if the applicants had anything to add to staff comments.

Ms. Egan presented a new Benjamin Moore sample color, Randolph Bisque (CW-185) paint to change for the Hardwood Putty. Ms. Egan said the new color was closer to the stucco color.

Mr. Shad asked why the applicants were seeking a retroactive approval. Mr. Reuwer said he was told by his boss, the Applicant, that the color was approved by the Commission. Mr. Rutter said there were minor improvements needed after the floods and they were trying to find a color less ugly than what was there. Mr. Shad asked why there was no submission of color before the work was done and explained the Minor Alteration process was put in place for situations like this.

Ms. Tennor said she thought the new color submission, Randolph Bisque, was a good alternative and would tone down the brightness of doors and bring the doors into a family of colors that match the building. Ms. Tennor suggested that after the building has been painted the Commission can move forward and look at the colors overall in conjunction with graphics. Mr. Roth said he liked the comment about making the colors work in unison. Mr. Reich said the proposed color was a good choice.

F. Motion

Ms. Tennor moved to approve the revised paint color per staff recommendations. Mr. Roth seconded. The motion was approved 4 to 1, Mr. Shad opposed.

Conclusions of Law

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

A. Standards of Review

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;

- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 6 sets forth the relevant recommendations for Rehabilitation and Maintenance of Existing Buildings in the Historic District, as detailed in the Findings of Fact, part C.

B. Application of Standards

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant seeks retroactive approval for painting of a historic building on Main Street. The original colors of the building are unknown. The proposed colors, as amended, are in accord with Guideline recommendations. The blue does not clash with the existing terracotta tiles and yellow/ivory colored tiles and the newly proposed Randolph Bisque for the doors is also compatible with the building and the surrounding area.

For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.

ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 4 to 1, it is this 7th day of May, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED, as amended.**

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**

OPPOSED

Allan Shad, Chair

Bruno Reich / BB

Bruno Reich

Drew Roth / BB

Drew Roth

Eileen Tennor / BB

Eileen Tennor

Erica Zoren / BB

Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.

IN THE MATTER OF
THE APPLICATION OF
NICHOLAS JOHNSON

* BEFORE THE
* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL
FOR THE INSTALLATION OF A SIGN
AND MESH MURAL
AT 8307 MAIN STREET
ELLICOTT CITY, MARYLAND

* HISTORIC PRESERVATION
* COMMISSION
* Case No. 20-11

* * * * *

DECISION AND ORDER

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on March 5, 2020 to hear and consider the application of Nicholas Johnson (“Applicant”), for a Certificate of Approval for the installation of a sign and mesh mural at 8307 Main Street, Ellicott City, Maryland (the “Subject Property”). The Commission members present were Allan Shad, Eileen Tenor, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the March 5, 2020 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

Summary of Testimony

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Holmes. The Applicant testified in support of the application.

Findings of Fact

Based upon the evidence, the Commission makes the following findings of fact:

A. The Subject Property

This property is located in the Ellicott City Historic District. According to SDAT the building on the property dates to 1930.

B. Proposed Improvements

The Applicant seeks retroactive approval for the installation of a sign and a mural/banner. The sign was installed on the side of the building, visible from Parking Lot D. The sign is painted directly on the building, matching that on the front façade, with a black background and white text. The painted sign is 17 inches high by 71 inches wide, for a total of 8.27 square feet. The sign was painted in a void between windows, on the end of the side of the building, in a location where previous tenants have had approved projecting signs.

The sign has one additional line of text not found on the front façade, the established date, and reads on two lines:

SU CASA

Est. 1999

The Applicant also seeks retroactive approval for the installation of a mesh fabric mural, that was installed in the recessed side entry, over an existing window. The mural was created on a mesh fabric and is held in place with grommets and a banner track installed above and below the window.

The mesh fabric mural/banner is 108 inches high by 110 inches wide for a total of 82.5 square feet. The mural/banner reads “Ellicott City est. 1772” and has the image of a red heart on it.

C. Staff Report

Sign

Chapter 12.A: Signs, General Guidelines

1) *Chapter 12.A recommends:*

- a. *“Use simple, legible words and graphics.*
- b. *“Keep letters to a minimum and the message brief and to the point.”*

The sign uses simple, legible words and only contains the name of the store and the date established.

Chapter 12.A: Signs, General Guidelines

2) *Chapter 12.A recommends, “Use a minimum number of colors, generally no more than three. Coordinate sign colors with the colors used in the building façade.”*

The sign only uses two colors, black and white, which matches the colors used on the building façade and the colors used on other signs on the building for this business and a neighboring business.

Chapter 12.B: Signs, Commercial Buildings

- 3) *Chapter 12.B recommends, “in most cases, limit the area of signage to one-half square foot of sign area for each linear foot of primary street frontage, with a limit of eight square feet in area for any one sign. More sign area is appropriate for some of Ellicott City’s larger buildings, where these signs would result in signs that are ineffective or not in scale with the building.”*

The sign is slightly larger than recommended at 8.27 square feet, but is scaled appropriately for the side of the building where it is located. The business, Su Casa, expanded into the rear space, which was formerly occupied by a different tenant. As a result, the former tenant’s sign has been removed, and this sign has been added. The new sign for Su Casa is also smaller than the previously existing sign for the former tenant.

Chapter 12.B.9: Signs, Commercial Buildings, Wall Murals

- 1) *Chapter 12.B.9 states, “Painting a sign directly on a wall or other structural part of a building is not permitted by the county Sign Code. However, the Board of Appeals may grant a variance for such signs if they are found to contribute significantly to the historical, architectural or aesthetic character of the area. A wall mural that does not advertise a business or identify an area is not a sign and is not regulated by the sign code. Well-executed artwork such as wall murals can make a positive contribution to the historic district. Any wall mural, whether or not it is a sign, requires approval by the Historic Preservation Commission.*

The painted sign identifies a business. There is a historic precedent for signs painted on building facades, which was a common sign treatment.

Fabric Mural/Banner

Chapter 12.B.9: Signs, Commercial Buildings, Wall Murals

2) Chapter 12.B.9 states, “Painting a sign directly on a wall or other structural part of a building is not permitted by the county Sign Code. However, the Board of Appeals may grant a variance for such signs if they are found to contribute significantly to the historical, architectural or aesthetic character of the area. A wall mural that does not advertise a business or identify an area is not a sign and is not regulated by the Sign Code. Well-executed artwork such as wall murals can make a positive contribution to the historic district. Any wall mural, whether or not it is a sign, requires approval by the Historic Preservation Commission.

The mural was not painted on the building, as it is mesh fabric, but the Guidelines do not otherwise address murals. The design does identify an area, Ellicott City, and might be considered a sign per the Code referenced above. The application explains that the intent of the mesh mural/banner was to raise awareness on social media that the town is thriving. Although the mural/banner covers a window, it is fabric, it can be removed at any time and does not adversely impact the building. The mesh mural/banner is located in a recessed area on the side of the building and does not impact the primary façade of the building.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted.

E. Testimony

Mr. Shad asked if anyone in the audience was opposed to the application and would like to ask questions of the applicant. No one in the audience had questions. Trae Reuwer was already sworn in. Mr. Shad swore in Nicholas Johnson. Mr. Shad asked if the applicants had any comments or additions to staff comments. The applicants did not have anything to add.

Mr. Shad asked if the applicants did not know they would need approval for their application as they were seeking a retroactive approval. Mr. Johnson said he did not know that he would need approval from the Commission for the mesh banner. Mr. Johnson said the mesh banner is translucent and can be taken down in five minutes. Mr. Johnson said that for the sign painted on the side of the building, he had previously come before the Commission to get the same sign approved on the front of his building. When the second tenant of the building moved out and took down their sign it exposed the brown paint and so Mr. Johnson went ahead and painted a second version of the approved sign design on the building.

Mr. Shad asked why the Commission is being asked to retroactively approve the applicant's signs. Mr. Johnson said he did not want to do double the work of repainting the building to match the wall and then paint the sign again. The color of the building changed between when the second tenant posted their sign and when they took it down. Due to the building color changing when the second tenant took their sign down it left a brown void. Mr. Johnson said it was much easier for him to paint black on brown than beige on brown and then black on beige. Ms. Tennor asked if the applicants didn't think they would need to make an application. Mr. Johnson said he did not think it was that much of a problem.

Ms. Tennor asked how long the banner would be up. Mr. Johnson said he wanted to leave the mesh banner up until there is excitement about Ellicott City again, and said the banner was an Instagram spot. He explained that people take pictures in front of the sign and post the pictures on social media; it is a way to show things are opening and happening in Ellicott City. Mr. Johnson said his store logo was purposefully not added to the banner so that the banner was only about Ellicott City.

Ms. Tennor asked if the window still received light, since the banner was translucent. Mr. Johnson said the window did receive light and in Figure 18 of the staff report, a glare is visible on the window with the banner. Mr. Reich said in the future Mr. Johnson should at least submit for the expedited process. Mr. Reich said that Mr. Johnson should come back in for an approval for it to be hung for an extensive period of time, and that it should be up to the Commission to set a period of time. Mr. Reich said he would not have a problem with the banner if it was temporary. Mr. Reich added if the banner helps Ellicott City it is good, and the banner is not visually intrusive.

The Commission discussed previous applications that were similar in nature that were not approved. The Commission discussed the size, material and location of the banner with staff and whether to treat the application as a wall mural or banner. Ms. Tennor said this case would set a precedent or fly in the face of previous cases, such as the Cotton Duck sign. Mr. Johnson explained the size of the banner was based on the size of the window it needed to cover. Ms. Burgess said the location of the mesh banner was on an alcove by the secondary entrance and the location made a difference to staff between this application and the one Ms. Tennor was referencing. Ms. Holmes said the materials do not damage the façade. Mr. Roth said the Commission should handle the mesh banner as if it was a wall mural. Ms. Tennor said the banner was less permanent than a wall mural and was on a recessed wall. Mr. Roth said the banner is essentially a wall mural, the application just did not come before the Commission.

Mr. Johnson said he was not sure when the banner would go out of vogue, but had about 20 people take pictures that day. Ms. Tennor asked if the manufacturer gave the applicant a lifetime expectancy on the banner. Mr. Johnson said no. Mr. Taylor said the

Commission should look at historic, architectural, and cultural characteristics of the mural/sign and how it is compatible or not compatible with the setting. Ms. Holmes reminded the Commission of the approval for the mural on the Yates building, where the mural is mounted on the façade, and not painted on. Mr. Reich asked if the Applicant would have a problem with the Commission approving the banner to be up for a year and if the Applicant wants the banner up longer than a year, they would have to come back with an application. Ms. Zoren said the Applicant could reapply through the minor alteration process. Mr. Johnson said he did not understand the need to reapply in a year. Mr. Roth said the Commission's request for a year-long approval is consistent with past cases.

Mr. Johnson said he meets people every day that do not know that Ellicott City is open. He said until people know that Ellicott City is open he is going to keep the banner hung. Mr. Johnson said if the approval is only for a year, then he will be back, but noted there are things that are more permanent that have happened in Ellicott City recently, such as the banner on Caplan's building that was hung. Ms. Holmes said the County submitted an application and received approval for that alteration.

Mr. Shad said the question remains if the Applicant is willing to leave the banner up for a year and then reapply. Mr. Johnson said if that was the only way he would get approval than he would, but that was not his preference.

Mr. Reich asked about the Commission their thoughts on the painted sign where the prior tenant's sign was located. Ms. Tennor said she had no objection to the painted sign.

F. Motion

Mr. Reich moved to approve the Su Casa painted sign as a permanent sign and the mesh Ellicott City sign as a one-year approval. Mr. Roth seconded. The motion was approved 4 to 1, Mr. Shad opposed.

Conclusions Of Law

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

A. Standards of Review

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 12 sets forth the relevant recommendations for Demolition and Relocation in the Historic District, as detailed in the Findings of Fact, part C.

B. Application of Standards

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant seeks retroactive approval for two signs, one of which is a non-advertising "mural," on an existing business on Main Street that already has a sign. The Applicant has painted a sign of approximately 8 square feet on the side façade of the building, facing Parking Lot D. The sign is of an appropriate scale for the building and setting. The sign is of two colors, matching the existing sign, and contains simple text stating the name of the business and its establishment date. The business expanded into a rear space, facing Parking Lot D, that was formerly occupied by a different business. The former tenant's sign was removed and the Applicant installed the new sign. The new sign is smaller than the previously existing sign for the former tenant. The sign complies with Guideline recommendations for size, simplicity, and compatibility, as well as for recommendations on the number of signs for commercial buildings.

The mesh mural sign mounted on brackets over the store window is not a typical sign. It does not advertise the business. It states "Ellicott City est. 1772" with blue text on a white background alongside a red heart, in what could be characterized as a "farm" style motif.

A sign is not "temporary" merely because it may be easily removed. Intent and practice determine whether a sign is temporary. In this instance, the sign is proffered as a

marketing tool for Ellicott City Main Street, making people aware that the Historic District is “open for business.” The intent is to leave the sign in place for an indeterminable amount of time and so, a Certificate of Approval is required.

The mural sign is in accord with the Guidelines. It is of simple text and few colors and in a design that is compatible with the setting and emblematic of the love Howard Countians and others have for Historic Ellicott City. The sign is located in a recessed area on the side of the building and does not impact the primary façade of the building. Because of the unusual nature of the mural sign, the Applicant has agreed to an initial one-year approval for the sign.

For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.

ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 4 to 1, it is this 7th day of May, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED, as amended herein.**

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**

OPPOSED

Allan Shad, Chair

Bruno Reich /BB

Bruno Reich

Drew Roth /BB

Drew Roth

Eileen Tennor /BB

Eileen Tennor

Erica Zoren /BB

Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.

IN THE MATTER OF
THE APPLICATION OF
ERIC CROWE

* BEFORE THE
* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL
FOR THE INSTALLATION OF SIGNS
AT 8137 MAIN STREET
ELLICOTT CITY, HO-1008

* HISTORIC PRESERVATION
* COMMISSION

* Case No. 20-13

* * * * *

DECISION AND ORDER

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on March 5, 2020 to hear and consider the application of Eric Crowe, (“Applicant”), for a Certificate of Approval for the retroactive installation of signs on 8137 Main Street, Ellicott City, Maryland (the “Subject Property”). The Commission members present were Allan Shad, Eileen Tenor, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the March 5, 2020 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

Summary of Testimony

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Holmes. The Applicant testified in support of the application.

Findings of Fact

Based upon the evidence, the Commission makes the following findings of fact:

A. The Subject Property

This property is located in the Ellicott City Historic District and is also listed on the Historic Sites Inventory as HO-1008, the Washington Trust Company. According to the Inventory form, the building was constructed in 1906. The Inventory form provides the following architectural description:

“The Washington Trust Company is a two-story, one-bay structure that faces north toward Main Street and has brick party walls on the east and west. The north elevation has rock-faced marble ashlar with smooth ashlar quoins, and a terra cotta frieze, cornice and parapet. The first story has a large semicircular arch with central paired iron doors. Flanking the doors are windows with iron grilles. Above the doors and windows is a Diocletian window with a bracket keystone.”

B. Proposed Improvements

The Applicant seeks retroactive approval for the installation of two signs. The first sign, Sign A, is a flat mounted sign that is 22.5 inches high by 47 inches wide, for a total of

7.34 square feet. The sign has a black background and white text. The sign material is 4mm black PVC, with a digital printed white text and logo. The sign is mounted with clear silicone. Sign A is located in the traditional sign location for this building, in the space above the doorway. The sign reads on three lines (the top and bottom lines are part of the border):

Escape Rooms – World Famous Gelato – Book Store & Unique Gifts

UNUSUAL Company

Custom Apparel & Accessories – Paint Nights, Shows, & Special Events

Sign B is located to the left of the window (if looking at the building) and has been mounted into the rock-faced marble. The application states the anchors were pre-existing. Sign B is 48 inches high by 24 inches wide for a total of 8 square feet. The sign has a white background with black text and graphics. The sign was printed of 4mm white PVC with a digital black print. The sign was mounted with a black PVC picture frame onto the existing threaded anchor in the rock-faced marble. This sign reads on 11 lines:

Welcome to

Unusual Company

Custom Apparel [graphic]

World Famous Gelato [graphic]

Escape Rooms [graphic]

Book Store [graphic]

Paint Nights & Events

Unusual Experiences

You'll Never Forget

Plan Your Next Party

Or Event Today!

C. Staff Report

Chapter 11.A: Signs, General Guidelines

1) *Chapter 11.A recommends:*

- a. *“Use simple, legible words and graphics.”*
- b. *“Keep letters to a minimum and the message brief and to the point. In many cases, symbols or illustrations that communicate the nature of the business can be used.”*
- c. *Emphasize the identification of the establishment rather than an advertising message of the face of the sign.*

Both signs contain the business name. While the font is not the most legible, it is identifiable as the business name. Both signs contain a lengthy message regarding the content of the business, which does not comply with the Guidelines. The text border on Sign A serves as an advertising message and should be reduced. The content on Sign B is an advertisement for the function of the business and does not comply with the Guidelines.

Chapter 11.A: Signs, General Guidelines

2) *Chapter 11.A recommends, “use a minimum number of colors, generally no more than three. Coordinate the sign colors with the colors used in the building façade.”*

Both signs comply with this recommendation and will only use two colors, black and white, which coordinate with the black iron work on the building façade.

Chapter 11.A: Signs, General Guidelines

3) *Chapter 11.A recommends, “use historically appropriate materials such as wood or iron for signs and supporting hardware.”*

The signs are made out of PVC, a plastic material, and do not comply with the Guidelines.

Chapter 11.A: Signs, General Guidelines

- 4) *Chapter 11.A recommends, “on masonry walls, drill into the mortar joints rather than into the stone or brick to attach fasteners for the brackets supporting the sign.”*

The application states that the anchors in the marble façade are pre-existing. However, no holes should ever be drilled into historic stone and should be repaired to the extent possible.

Chapter 11.B: Signs, Commercial Buildings

- 5) *Chapter 11.B recommends against, “two signs where one is sufficient to provide an easily visible identification of the business.”*

The application proposes two signs and does not comply with this recommendation. Only one sign, the main sign above the door, is needed to provide identification of the business. The other sign only serves to advertise the function of the business. Additionally, there are two other signs, three-dimensional arrows that read “Gelato”, which are hung outside the building as well, serving as a third and fourth sign/advertising message.

- 6) *Chapter 11.B recommends, “incorporate the sign into the façade of the buildings. Signs should fit within the lines and panels of the façade as defined by the building frame and architectural details.”*

Sign A is located in the traditional sign location, in the panel above the door. The location of Sign A complies with the Guidelines.

D. Staff Recommendation

Staff recommends the HPC recommend a reduction of the advertising message in Sign A, to be resubmitted for approval with the option to process as a Minor Alteration if in

compliance with the Guidelines. Staff recommends the HPC determine if the other signs (including the arrows), comply with the Guidelines, and approve or deny accordingly.

E. Testimony

Mr. Shad asked if there was anyone in the audience that was in opposition to the case and would like to ask questions. There was no one in the audience that had questions. Mr. Shad swore in Eric Crowe. Mr. Shad asked if Mr. Crowe had any comments on the staff report. Mr. Crowe said the original intent of the signs on the building were to be temporary until his business gained more funds to buy permanent signs. Mr. Crowe said the signs are to advertise what was going on in the building as there are no windows on the building that allow people to see inside, as other buildings on the street have. Mr. Shad asked if the signs are temporary. Mr. Crowe confirmed the signs are temporary and said the main sign was on a precast panel.

Mr. Crowe said the area behind the panel has a lot of holes. Mr. Crowe said his first inclination was to cover it up and come back and file for a permanent sign. His new sign would be something very nice in its place, like an emblem, such as the star that indicates a historic building and have the sign match that. Mr. Crowe said he hopes his business will have set their brand and people will be aware of what the business offers. Mr. Crowe said at that time the business would not need a sign like the one that is hung to the left of the building, explaining what they offer.

Mr. Shad asked when the applicant expects to have a design for a new sign. Mr. Crowe said this year. Mr. Shad clarified Mr. Crowe means in 2020. Mr. Crowe confirmed. Mr. Shad asked if there was a time frame within the year. Mr. Crowe said it was dependent on having funds to be able to pay for a bronze sign, as desired. Ms. Tennor was concerned that the

Commission does not have a definition for temporary but does not feel 10 months is temporary and the applicant is speaking inside of 12 months. Ms. Tennor said Mr. Crowe has a lot of items he wants to convey from books to gelato. Ms. Zoren said the Commission approved a sign for Jaxon Edwin Social House with logos, which may be more appropriate than words. Using different icons that establish the businesses options that are in accordance with the Guidelines on a new sign was possible. Ms. Tennor said she did not mind the words and said the sign above the door is not in compliance either, but the words are made into a border. Ms. Tennor said the Guidelines do not say you cannot have a lot of words as long as they are little. Ms. Tennor said she thinks the sign over the door is perfectly acceptable per the guidelines. Ms. Zoren said the sign is acceptable, except for the materials used to make the sign.

Mr. Crowe said his business has been open since August 2, 2019 and he wanted to know if he had his new sign up by August 2, 2020 would it be acceptable to keep the current sign up until that date. Mr. Reich said he thinks that the Commission could approve the sign above the door for a period of time, but the Commission could not approve the second sign. Mr. Taylor said the Commission should provide justification for why they are approving the material of the sign. Ms. Tennor said the that the sign over the door would be approved on a temporary basis. The Commission and staff discussed the tax credit application for this site that is later on in the docket and how the approval of this application could affect the approval of the tax credit application. The Commission told the applicants so long as the Applicants took down the second sign they could contingently approve the tax credit application as well. Mr. Taylor asked if the Applicant was withdrawing the application for Sign B. Mr. Crowe said he would withdraw the application for Sign B.

F. Motion

Mr. Reich moved to approve the sign above the door for a period of 5 months. Mr. Roth seconded. The motion was unanimously approved.

Conclusions of Law

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

A. Standards of Review

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 11 sets forth the relevant recommendations for Signs in the Historic District, as detailed in the Findings of Fact, part C.

B. Application of Standards

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant sought approval for two signs. As initially proposed, the signs do not comply with Guideline recommendations as to their number or material. Additionally, the signs both contain a lengthy message regarding the content of the business, serving as an advertising message. Accordingly, the Applicant withdrew the request for Sign B, and agreed to a temporary approval of Sign A, until a new sign that complies with the Guidelines is approved.

For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, and given the temporary nature of this approval, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area.

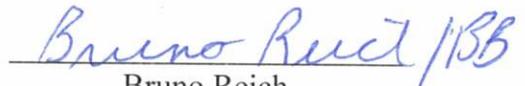
ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 7th day of May, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for Sign A at the Subject Property, is **APPROVED, upon the condition that it be removed by September 30, 2020.** .

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



Allan Shad, Chair



Bruno Reich



Drew Roth



Eileen Tennor



Erica Zofen

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.

You're not done yet. Action is required.

PRINT, COMPLETE, AND SUBMIT THIS FORM FOR PROCESSING.

STEP 1: Download and print the form.

STEP 2: Read and sign the form.

STEP 3: Have your employer read and sign the form.

STEP 4: Submit the form that you and your employer have signed in one of the following ways:

Mail to:

U.S. Department of Education, FedLoan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184.

Fax to:

717-720-1628

An email has been sent to kaitlyn.clifford@protonmail.com for your records.

Note: After you leave this page, these instructions and your PSLF form will be available in the "My Documents" section of StudentAid.gov.

What will happen after you submit this form for processing?

Once FedLoan Servicing receives your form, they will begin their review. Once they review your employment, the number of qualifying payments that you've made will be determined and then you'll receive a notice telling you the number of qualifying payments you've made.

Note: It may take up to 120 days to process your employment information and review your payment information.

You will not receive confirmation that your loan, employment, or payments qualify for PSLF until you submit this form.

Reminder: You should submit an Employment Certification Form annually to be sure that you're on track to receive PSLF.



PSLF ECF

PUBLIC SERVICE LOAN FORGIVENESS (PSLF): EMPLOYMENT CERTIFICATION FORM

William D. Ford Federal Direct Loan (Direct Loan) Program

OMB No. 1845-0110
Form Approved
Exp. Date 5/31/2020
PSECF - XBCR

WARNING: Any person who knowingly makes a false statement or misrepresentation on this form or on any accompanying document is subject to penalties that may include fines, imprisonment, or both, under the U.S. Criminal Code and 20 U.S.C. 1097.

SECTION 1: BORROWER INFORMATION

Please enter or correct the following information.

Check this box if any of your information has changed.

SSN	216173630		
Date of Birth	09/19/1987		
Name	Kaitlyn Clifford		
Address	6544 DUCKETTS LN		
City	ELKRIDGE	State	MD Zip Code 210756131
Telephone - Primary	(410) 903-3991		
Telephone - Alternate	(443) 813-0580		
Email (Optional)	kaitlyn.clifford@protonmail.com		

SECTION 2: BORROWER AUTHORIZATIONS, UNDERSTANDINGS, AND CERTIFICATION

Before signing, carefully read the entire form. For more information on PSLF, visit StudentAid.gov/publicservice.

I authorize:

1. My employer or other entity having records about the employment that is the basis of my request to make information from those records available to the U. S. Department of Education (the Department) or its agents or contractors.
2. The entity to which I submit this request and its agents to contact me regarding my request or my loans at any cellular telephone number that I provide now or in the future using automated telephone dialing equipment or artificial or prerecorded voice or text messages.

I understand that:

1. To qualify for PSLF, I must make 120 qualifying payments on my Direct Loans while employed full-time by a qualifying employer or employers. Neither the 120 qualifying payments nor the employment have to be consecutive.
2. To qualify for PSLF, I must be employed full-time by a qualifying employer when I apply for and receive PSLF.
3. If I qualify for forgiveness, only the remaining balance on my Direct Loans will be forgiven.
4. By submitting this form, my student loan(s) held by the Department may be transferred to FedLoan Servicing.
5. The Department may request supplemental documentation substantiating my employment.
6. The Department will notify me in writing or electronically of the number of qualifying payments I have made while employed full-time by a qualifying employer and how many more I must make before I am eligible to apply for PSLF.
7. I will be notified if the form that I submit is incomplete, or if my employment or payments do not qualify for PSLF, why the determination was made, and the steps I need to take to correct the form or make qualifying payments.
8. The Department will retain this certification form until I submit my application for forgiveness.

I certify that all of the information I have provided on this form and in any accompanying document is true, complete, and correct to the best of my knowledge and belief.

Check this box if you cannot obtain certification from your employer because the organization is closed or because the organization has refused to certify your employment. The Department will follow up to assist you in getting documentation of your employment. **Complete Section 3, but do not complete Section 4.**

Borrower's Signature _____ Date _____

Borrower Name Kaitlyn Clifford

Borrower SSN 216173630

SECTION 3: EMPLOYER INFORMATION (TO BE COMPLETED BY THE BORROWER OR EMPLOYER)

1. Employer Name

MD

2. Federal Employer Identification Number (FEIN)

526000965

Your employer's Federal EIN may be found on your Wage and Tax Statement (W-2).

3. Employer Address:

3430 Court
Ellicott City, MD 21043 US

4. Employer Website (if any):

3430 Court House Drive

5. Employment Begin Date:

11/13/2018

6. Employment End Date:

OR [X] Still Employed

7. Employment Status: [X] Full-Time [] Part-Time

8. Hours Per Week (Average) 40

Include vacation, leave time, or any leave taken under the Family Medical Leave Act of 1993. If your employer is a 501(c)(3) or a not-for-profit organization, do not include any hours you spent on religious instruction, worship services, or proselytizing.

9. Is your employer a governmental organization?

A governmental organization is a Federal, State, local, or Tribal government organization, agency, or entity, a public child or family service agency, a Tribal college or university, or the Peace Corps or AmeriCorps.

[X] Yes - Skip to Section 4.
[] No - Continue to Item 10.

10. Is your employer tax-exempt under Section 501(c)(3) of the Internal Revenue Code (IRC)?

If your employer is tax-exempt under another subsection of 501(c) of the IRC, such as 501(c)(4) or 501(c)(6), check "No" to this question.

[] Yes - Skip to Section 4.
[] No - Continue to Item 11.

11. Is your employer a not-for-profit organization that is not tax-exempt under Section 501(c)(3) of the Internal Revenue Code?

[] Yes - Continue to Item 12.
[] No - Your employer does not qualify.

12. Is your employer a partisan political organization or a labor union?

[] Yes - Your employer does not qualify.
[] No - Continue to Item 13.

13. Which of the following services does your employer provide as its primary purpose? Check all that apply and then continue to Section 4. If you check "None of the above", do not submit this form.

- [] Emergency management
[] Military service (See Section 6)
[] Public safety
[] Law enforcement
[] Public interest legal services (See Section 6)
[] Early childhood education (See Section 6)
[] Public service for individuals with disabilities
[] Public service for the elderly
[] Public health (See Section 6)
[] Public education (See Section 6)
[] Public library services
[] School library services
[] Other school-based services
[] None of the above - the employer does not qualify.

SECTION 4: EMPLOYER CERTIFICATION (TO BE COMPLETED BY THE EMPLOYER)

By signing, I certify (1) that the information in Section 3 is true, complete, and correct to the best of my knowledge and belief, (2) that I am an authorized official (see Section 6) of the organization named in Section 3, and (3) that the borrower named in Section 1 is or was an employee of the organization named in Section 3.

Note: If any of the information is crossed out or altered in Section 3, you must initial those changes.

Official's Name

Official's Phone

Official's Title

Official's Email

Authorized Official's Signature Date

SECTION 5: INSTRUCTIONS FOR COMPLETING THE FORM

If you have made 120 qualifying payments and the certification in Sections 3 and 4 does not cover all of those payments, you must provide information about other employers by submitting one copy of Sections 1 and 2 (Page 1), and one copy of Sections 3 and 4 (Page 2) per employer. When completing this form, type or print using dark ink. Enter dates as month-day-year (mm-dd-yyyy). Use only numbers. Example: March 14, 2016 = 03-14-2016. For more information about PSLF and how to use this form, visit StudentAid.gov/publicservice. **Return the completed form to the address shown in Section 7.**

SECTION 6: DEFINITIONS

QUALIFYING PAYMENT DEFINITIONS

Qualifying payments are separate, on-time, full monthly payments made on an eligible loan after October 1, 2007 under a qualifying repayment plan while employed full-time by a qualifying employer.

An **on-time payment** is a payment made no more than 15 days after the due date for the payment.

Eligible loans are loans made under the William D. Ford Federal Direct Loan (Direct Loan) Program that are not in default.

Qualifying repayment plans include the Revised Pay As You Earn (REPAYE) plan, the Pay As You Earn (PAYE) plan, the Income-Based Repayment (IBR) plan, the Income-Contingent Repayment (ICR) plan, the Standard Repayment plan with a maximum 10-year repayment period, and any other Direct Loan repayment plan if payments are at least equal to the monthly payment amount that would be required under the Standard Repayment plan with a 10-year repayment period.

QUALIFYING EMPLOYMENT DEFINITIONS

A **Qualifying employer** includes the government, a not-for-profit organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code, or a private not-for-profit organization that provides certain public services. Serving in an AmeriCorps or Peace Corps position is also qualifying employment.

Government includes a Federal, State, local or Tribal government organization, agency or entity; a public child or family service agency; or a Tribal college or university.

A **private not-for-profit organization** is an organization that is not organized for profit, is not a labor union, is not a partisan political organization, and provides at least one of the following public services as its primary purpose: **(1)** emergency management, **(2)** military service, **(3)** public safety, **(4)** law enforcement, **(5)** public interest legal services, **(6)** early childhood education, **(7)** public service for individuals with disabilities and the elderly, **(8)** public health, **(9)** public education, **(10)** public library services, **(11)** school library services, or **(12)** other school-based services.

AmeriCorps position means a position approved by the Corporation for National and Community Service under Section 123 of the National and Community Service Act of 1990 (42 U.S.C. 12573).

Peace Corps position means a full-time assignment under the Peace Corps Act as provided for under 22 U.S.C. 2504.

QUALIFYING EMPLOYMENT DEFINITIONS (CONTINUED)

An **employee** means an individual who is hired and paid by the qualifying employer.

Full-time means working for one or more qualifying employers for the greater of: **(1)** An annual average of at least 30 hours per week or, for a contractual or employment period of at least 8 months, an average of 30 hours per week; or **(2)** Unless the qualifying employment is with two or more employers, the number of hours the employer considers full time.

An **authorized official** is an official of a qualifying employer who has access to the borrower's employment or service records and is authorized by the employer to certify the employment status of the organization's employees or former employees, or the service of AmeriCorps or Peace Corps volunteers.

Early childhood education includes licensed or regulated child care, Head Start, and State funded pre-kindergarten.

Law enforcement means crime prevention, control or reduction of crime, or the enforcement of criminal law.

Military service means service on behalf of the U. S. Armed Forces or the National Guard.

Public education includes services that provide educational enrichment or support directly to students or their families in a school or a school-like setting.

Public interest legal services refers to legal services that are funded in whole or in part by a local, State, Federal, or Tribal government.

Public health includes nurses, nurse practitioners, nurses in a clinical setting, and full-time professionals engaged in [health care practitioner occupations](#) and [health support occupations](#), as such terms are defined by the Bureau of Labor Statistics.

OTHER DEFINITIONS

A **forbearance** is a period during which you are allowed to postpone making payments temporarily, allowed an extension of time for making payments, or temporarily allowed to make smaller payments than scheduled. A forbearance can be a mandatory forbearance, meaning that your loan holder must grant the forbearance if you qualify for the forbearance and supply all supporting documentation. A forbearance can also be a discretionary forbearance, meaning that your loan holder may grant the forbearance, but is not required to do so.

SECTION 7: WHERE TO SEND THE COMPLETED FORM

Return the completed form and any documentation to:

Mail to: U.S. Department of Education, FedLoan Servicing,
P.O. Box 69184, Harrisburg, PA 17106-9184.

Fax to: 717-720-1628.

Upload to: [MyFedLoan.org/FileUpload](https://myfedloan.org/FileUpload), if FedLoan Servicing is already your servicer.

If you need help completing this form, call:

Domestic: 855-265-4038.

International: 717-720-1985.

TTY: dial 711, then enter 800-699-2908.

Website: [MyFedLoan.org](https://myfedloan.org).

SECTION 8: IMPORTANT INFORMATION ABOUT PSLF

You may receive loan forgiveness under this program only after you have made 120 qualifying payments (see "Payment Eligibility") on eligible loans (see "Loan Eligibility" on page 5) while working full-time in qualifying employment (see "Employment Eligibility" on page 5).

PAYMENT ELIGIBILITY

To receive PSLF, you must make 120 on-time, full, scheduled, separate monthly payments on your Direct Loans under a qualifying repayment plan after October 1, 2007.

On-time payments are those that are received by your servicer no later than 15 days after the scheduled payment due date.

Full payments are payments on your Direct Loan in an amount that equals or exceeds the amount you are required to pay each month under your repayment schedule. If you make a payment that is less than what you are required to pay for that month, that month's payment will not count as one of the required 120 qualifying payments. If you make multiple, partial payments in a month and the total of those partial payments equals or exceeds the required full monthly payment amount, those payments will count as one qualifying payment.

Scheduled payments are those that are made while you are in repayment. They do not include payments made while your loans are in an in-school or grace status, or in a deferment or forbearance period.

You must make separate monthly payments. Except as explained below, lump sum payments or payments you make as advance payments for future months do not count as more than one qualifying payment. If you want to pay more than your scheduled monthly payment amount, follow the instructions on your bill to let your servicer know that your payment is not intended to cover future installments. Otherwise, you may not receive credit for future qualifying payments.

If you were an AmeriCorps or Peace Corps volunteer, you may receive credit for making qualifying payments if you make a lump sum payment by using all or part of a Segal Education Award or Peace Corps transition payment.

You may also receive credit for qualifying payments if a lump sum payment is made on your behalf through a student loan repayment program administered by the U.S. Department of Defense (DOD).

PAYMENT ELIGIBILITY (CONTINUED)

If you make a lump sum payment by using an AmeriCorps Segal Education Award or a Peace Corps transition payment, or if a lump sum payment is made on your behalf through a DOD student loan repayment program, the Department will give you credit for qualifying payments equal to the lesser of **(1)** the number of payments resulting after dividing the amount of the lump sum payment by the monthly payment amount you would have made under one of the qualifying repayment plans listed below; or **(2)** 12 payments.

If you make an eligible lump sum payment using a Peace Corps transition payment, you must do so within 6 months of the Employment End Date, as reported in Section 3.

You may only use an AmeriCorps Segal Education Award or Peace Corps transition payment one time to receive credit for more than one qualifying payment towards PSLF. However, lump sum payments made on your behalf under a DOD student loan repayment program may be counted as up to 12 qualifying payments for each year that a lump sum payment is made.

Your payments must be made under a qualifying repayment plan. Qualifying repayment plans include the REPAYE plan, the PAYE plan, the IBR plan, the ICR plan, the 10-Year Standard Repayment plan, or any other Direct Loan repayment plan, but only payments that are at least equal to the monthly payment amount that would be required under the 10-Year Standard Repayment plan.

Though repayment plans other than the REPAYE, PAYE, IBR, and ICR plans are qualifying repayment plans for PSLF, you must enter REPAYE, PAYE, IBR, or ICR to have a remaining balance to forgive after becoming eligible for PSLF. Otherwise, your loans will be fully repaid within 10 years. To apply for these plans, visit [StudentLoans.gov](https://studentloans.gov).

IMPORTANT: The Standard Repayment Plan for Direct Consolidation Loans made on or after July 1, 2006 has repayment periods that range from 10 to 30 years. Monthly payments you make under this plan are qualifying payments only if the repayment period is 10 years, which would be the case only if the total amount of the consolidation loan and your other eligible student loans is less than \$7,500.

SECTION 8: IMPORTANT INFORMATION ABOUT PSLF (CONTINUED)

LOAN ELIGIBILITY

Only Direct Loan Program loans that are not in default are eligible for PSLF. Loans you received under the Federal Family Education Loan (FFEL) Program, the Federal Perkins Loan (Perkins Loan) Program, or any other student loan program are not eligible for PSLF.

If you have FFEL Program or Perkins Loan Program loans, you may consolidate them into a Direct Consolidation Loan to take advantage of PSLF. However, payments made on your FFEL Program or Perkins Loan Program loans before you consolidated them, even if they were made under a qualifying repayment plan, do not count as qualifying PSLF payments. In addition, if you made qualifying payments on a Direct Loan and then consolidate it into a Direct Consolidation Loan, you must start over making qualifying payments on the new Direct Consolidation Loan.

If you are planning to consolidate your FFEL Program or Perkins Loan Program loans into a Direct Consolidation Loan to take advantage of PSLF and do not have any Direct Loans, do not submit this form until you have consolidated your loans. The online application for Direct Consolidation Loans contains a section that allows you to indicate that you are consolidating your loans for PSLF. If you plan to consolidate Perkins Loan Program loans, first understand that Perkins Loan Program loans may be cancelled for certain types of public service. If you consolidate a Perkins Loan Program loan, you will no longer be eligible for Perkins cancellation. The online application is available at StudentLoans.gov. If you don't know whether you have Direct Loans, go to StudentAid.gov/login.

EMPLOYMENT ELIGIBILITY

To qualify for PSLF, you must be an employee of a qualifying employer. An employee is someone who is hired and paid by the employer. You may physically perform your work at a qualifying or non-qualifying organization, as long as you are an employee of a qualifying employer. If you are working at the location of or with an organization under contract with your employer, the organization that hired and pays you must be a qualifying employer, not the organization where you perform your work.

A qualifying organization is a government organization, a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, or a private not-for-profit organization that provides certain public services. Service in an AmeriCorps or Peace Corps position is also qualifying employment.

EMPLOYMENT ELIGIBILITY (CONTINUED)

A private not-for-profit organization that is not a tax-exempt organization under Section 501(c)(3) of the IRC may be a qualifying organization if it provides certain specified public services. These services include emergency management, military service, public safety, or law enforcement services; public health services; public education or public library services; school library and other school-based services; public interest legal services; early childhood education; public service for individuals with disabilities and the elderly. The organization must not be a business organized for profit, a labor union, or a partisan political organization.

Employment as a member of the U.S. Congress is not qualifying employment.

You must be employed full-time by your employer.

Generally, you must meet your employer's definition of full-time. However, for PSLF purposes, that definition must be at least an annual average of 30 hours per week. For purposes of the full-time requirement, your qualifying employment at a 501(c)(3) organization or a not-for-profit organization does not include time spent participating in religious instruction, worship services, or any form of proselytizing.

If you are a teacher or in another position under contract for at least eight out of 12 months, you meet the full-time standard if you work an average of at least 30 hours per week during the contractual period and receive credit by your employer for a full year's worth of employment.

If you are employed in more than one qualifying part-time job simultaneously, you may meet the full-time employment requirement if you work a combined average of at least 30 hours per week with your employers.

Vacation or leave time provided by the employer or leave taken for a condition that is a qualifying reason for leave under the Family and Medical Leave Act of 1993, 29, U.S.C. 2612(a)(1) and (3) is equivalent to hours worked in qualifying employment.

OTHER IMPORTANT INFORMATION

Your servicer will determine how many qualifying payments you made during the period of qualifying employment within the dates provided in Section 3. If you submit this form and your employer qualifies, all of your loans held by the Department may be transferred to FedLoan Servicing as you approach the date that you may qualify for forgiveness.

You are not permitted to apply the same period of service to receive PSLF and the Teacher Loan Forgiveness and Civil Legal Assistance Attorney Student Loan Repayment programs.

SECTION 9: IMPORTANT NOTICES

Privacy Act Notice. The Privacy Act of 1974 (5 U.S.C. 552a) requires that the following notice be provided to you:

The authorities for collecting the requested information from and about you are §421 et seq., §451 et seq., or §461 of the Higher Education Act of 1965, as amended (20 U.S.C. 1071 et seq., 20 U.S.C. 1087a et seq., or 20 U.S.C. 1087aa et seq.) and the authorities for collecting and using your Social Security Number (SSN) are §§428B(f) and 484(a)(4) of the HEA (20 U.S.C. 1078-2(f) and 1091(a)(4)) and 31 U.S.C. 7701(b). Participating in the William D. Ford Federal Direct Loan (Direct Loan) Program, Federal Family Education Loan (FFEL) Program, or Federal Perkins Loan (Perkins Loan) Program and giving us your SSN are voluntary, but you must provide the requested information, including your SSN, to participate.

The principal purposes for collecting the information on this form, including your SSN, are to verify your identity, to determine your eligibility to receive a loan or a benefit on a loan (such as a deferment, forbearance, discharge, or forgiveness) under the Direct Loan, FFEL, or Federal Perkins Loan Programs, to permit the servicing of your loans, and, if it becomes necessary, to locate you and to collect and report on your loans if your loans become delinquent or default. We also use your SSN as an account identifier and to permit you to access your account information electronically.

The information in your file may be disclosed, on a case-by-case basis or under a computer matching program, to third parties as authorized under routine uses in the appropriate systems of records notices. The routine uses of this information include, but are not limited to, its disclosure to federal, state, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to consumer reporting agencies, to financial and educational institutions, and to guaranty agencies in order to verify your identity, to determine your eligibility to receive a loan or a benefit on a loan, to permit the servicing or collection of your loans, to enforce the terms of the loans, to investigate possible fraud and to verify compliance with federal student financial aid program regulations, or to locate you if you become delinquent in your loan payments or if you default. To provide default rate calculations, disclosures may be made to guaranty agencies, to financial and educational institutions, or to state agencies. To provide financial aid history information, disclosures may be made to educational institutions.

To assist program administrators with tracking refunds and cancellations, disclosures may be made to guaranty agencies, to financial and educational institutions, or to federal or state agencies. To provide a standardized method for educational institutions to efficiently submit student enrollment statuses, disclosures may be made to guaranty agencies or to financial and educational institutions. To counsel you in repayment efforts, disclosures may be made to guaranty agencies, to financial and educational institutions, or to federal, state, or local agencies.

In the event of litigation, we may send records to the Department of Justice, a court, adjudicative body, counsel, party, or witness if the disclosure is relevant and necessary to the litigation. If this information, either alone or with other information, indicates a potential violation of law, we may send it to the appropriate authority for action. We may send information to members of Congress if you ask them to help you with federal student aid questions. In circumstances involving employment complaints, grievances, or disciplinary actions, we may disclose relevant records to adjudicate or investigate the issues. If provided for by a collective bargaining agreement, we may disclose records to a labor organization recognized under 5 U.S.C. Chapter 71. Disclosures may be made to our contractors for the purpose of performing any programmatic function that requires disclosure of records. Before making any such disclosure, we will require the contractor to maintain Privacy Act safeguards. Disclosures may also be made to qualified researchers under Privacy Act safeguards.

Paperwork Reduction Notice. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1845-0110. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain a benefit in accordance with 34 CFR 685.219. If you have comments or concerns regarding the status of your individual submission of this form, please contact your loan holder directly (see Section 7).