

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

FOR A CERTIFICATE OF APPROVAL
TO REMOVE A TREE
AT 8156 MAIN STREET
ELLICOTT CITY, MARYLAND

* BEFORE THE
* HOWARD COUNTY
* HISTORIC PRESERVATION
* COMMISSION
* Case No. 20-64

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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 September 3, 2020 to hear and consider the application of Donald R. Reuwer, Jr., (“Applicant”), for a Certificate of Approval to remove a tree at 8156 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 September 3, 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.

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 1890.

B. Proposed Improvements

The Applicant proposes to remove a tree located on the rocks at 8156 Main Street. The Applicant has identified the tree as being an invasive paper mulberry that self-planted. The tree to be removed is located in the area where the Applicant is looking into constructing terraces. The Applicant would like to remove the tree since it is an invasive species, living in an inadequate base of soil and causing the rocks out of which it is growing to crack. Staff conducted a site visit and confirmed that it is not a red mulberry (which is native) and that it meets several descriptors of a paper mulberry; the bark and heart leaves that are sandy on top and fuzzy on bottom all match paper mulberry, although the leaves do not appear lobed. Staff and the Applicant are unable to determine what other kind of tree it could be, if not a paper mulberry. The tree has three leaders; the largest of the three has a circumference of approximately 38.5 inches, which results in a diameter of 12.26 inches.

C. Staff Report

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

1) *Chapter 9.B recommends, "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.”

- 2) *Chapter 9.B recommends against the, “removal of live, mature trees, unless it is necessary due to disease, or to prevent damage to historic structures.”*

The Commission has been consistent about recommending the planting of natives and the removal of invasive trees; however, the Guidelines are silent on removal of invasive species. The tree in question appears to be a paper mulberry, which is a non-native, invasive tree. MDInvasives.org states that paper mulberry trees should be kept out of cultivation.

The Guidelines recommend against the removal of live, mature trees, unless it is necessary due to disease or to prevent damage to historic structures. This tree appears to be healthy, and is mature, providing a dense canopy over the area; however, it is growing directly in to the rock and could be limited in its root stability or long-term health. While staff were able to confirm that this was not a red mulberry, an arborist would be the best qualified to determine exactly what type of tree this is and evaluate its long-term root stability and health in order for the Commission to make an informed decision.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted if the tree is determined to be a paper mulberry.

E. Testimony

Mr. Shad said the Commission would discuss the case without the Applicant present since the Applicant did not call into the meeting even though he had registered to attend.

Ms. Tennor said she was persuaded that the tree was an invasive species and probably had to be removed. She did not recall if Mr. Reuwer had proposed to do any new plantings on the site, in place of the invasive tree. She remembered that he had to remove the pine trees from the site. She asked the Commissioners if they asked for a planting plan or were fine

without and vegetation. Ms. Burgess said Mr. Reuwer had to replant the evergreen trees every year, as the root balls cannot grow in the shallow soil and that is why the evergreen trees die every year and he replaced them every year.

Mr. Roth said the tree should be removed since it is invasive. In terms of replanting for removing an invasive plant, Mr. Roth did not think Mr. Reuwer needed to replant.

Mr. Reich agreed with the application and said the tree should be approved.

Ms. Zoren said despite the size of the tree, it does appear to be an invasive and the root system is not stable. Ms. Zoren said she agreed with the removal of the tree.

Mr. Shad agreed with the tree removal.

F. Motion

Mr. Reich moved to approve the application. 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 9.B sets forth the relevant recommendations for Landscape and Site Elements; Trees and Other Vegetation.

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.

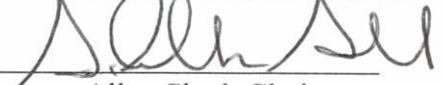
The Applicant proposes to remove an invasive paper mulberry tree located on the rocks at 8156 Main Street. The Guidelines do not address invasive species but strongly favor indigenous, or native, plants and trees. As a non-native species, the tree is not characteristic of the historic value of the District.

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

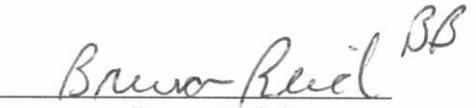
Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 1st day of October, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval remove a tree at the Subject Property, is **APPROVED**.

HOWARD COUNTY HISTORIC PRESERVATION COMMISSION


Allan Shad, Chair


Eileen Tennor, Vice-Chair


Drew Roth


Bruno Reich


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	*	BEFORE THE
THE APPLICATION OF	*	HOWARD COUNTY
MICHAEL KOPLOW		
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
AND TAX CREDIT PRE-APPROVAL	*	COMMISSION
TO MAKE EXTERIOR ALTERATIONS	*	
AT 3715 OLD COLUMBIA PIKE		
ELLICOTT CITY, MARYLAND	*	Case No. 20-65

* * * * *

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 September 3, 2020 to hear and consider the application of Michael Koplow, (“Applicant”), for a Certificate of Approval and Tax Credit Pre-Approval to make exterior alterations at 3715 Old Columbia Pike, 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 September 3, 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 dates to 1900.

B. Proposed Improvements

The Applicant seeks approval to replace the asbestos siding on the entire building. The asbestos shingle siding was damaged when a tree fell, and rather than spot replace the damaged area, the Applicant would like to replace all the siding. The Applicant looked under the existing asbestos to see if any historic siding materials existed, but it is only 1x8 wood framing. Historic photos of the building have not been found, which would have been helpful to determine what the siding material may have been.

The Applicant proposes to replace the existing asbestos siding with HardiePlank lap siding, German lap wood siding, or material of a similar nature. The siding would be painted yellow, to match the existing color.

The Applicant also seeks initial approval of a certificate of eligibility for the siding replacement pursuant to the tax credit provisions in § 20.112 of the Howard County Code.

C. Staff Report

Chapter 6.D: Rehabilitation and Maintenance of Existing Building; Wood Siding, Shingles and Logs

- 1) *Chapter 6.D explains, “Many frame buildings have been covered with modern siding materials such as vinyl, aluminum, asphalt or asbestos. These treatments obscure the historic materials and details such as corner boards and cornices, and can cause damage to the structure by sealing in moisture....New siding materials are becoming available that can be closer in appearance to wood siding than vinyl or aluminum. These materials, usually composites of wood fibers and binding ingredients, are varied in their appearance and maintenance qualities.”*
- 2) *Chapter 6.D recommends, “Remove asbestos shingles, aluminum siding or other coverings from historic buildings and repair or restore the original wall material.”*

The building is currently sided in asbestos shingles and the original siding material was removed prior to the installation of the asbestos. It is unknown what the original siding material was. The Applicant propose to replace the shingles with a more historically appropriate option, but due to the emergency nature of the work, has not yet acquired cost estimates for the various siding options proposed.

Chapter 6.D: Rehabilitation and Maintenance of Existing Building; Wood Siding, Shingles and Logs

- 3) *Chapter 6.D states the following is a possible exception: “If wood siding must be replaced on a historic building, a composite siding material may be considered, if wood is not a viable option, the composite siding conveys the appearance of the historic material, and application of the substitute material does not damage or obscure historic features. The texture, width, shape, profile and finish of the substitute siding material should be similar to the wood siding it replaces.*

In this case the existing siding is asbestos and not wood siding. As a tree unexpectedly fell on the building, the Applicant has not had an opportunity to get quotes and does not know if wood German lap siding is a viable option. It is also unknown if German lap siding was the

original material, although it is known that asbestos was not the original material. It seems that a composite siding material would be appropriate and would be an improvement over the existing asbestos shingles.

HardiePlank siding only comes in one profile but has been used on several buildings in the District in the past, including a non-historic building constructed in a historic style fronting Main Street, a historic house on Maryland Avenue, new construction, and a historic building at St. Paul's Church. HardiePlank siding looks most like painted wood siding when the smooth finish is used. German lap siding in the traditional wood profile is used in the District but is only found in some composite siding materials that tend to be more expensive than wood siding, such as Boral TruExterior Siding. The exposure of the siding (Hardie or wood) should be similar to the exposures found on nearby historic buildings.

D. Staff Recommendation

Staff recommends the HPC approve:

- 1) The use of smooth lap HardiePlank, with the exposure to be similar to that found on nearby historic buildings.
- 2) A wood German lap siding, with the exposure to be similar to that found on nearby historic buildings.
- 3) Staff recommends the HPC approve tax credits for the wood siding. If HardiePlank is approved, Staff recommends the HPC determine if the material qualifies for tax credits as a replacement for the asbestos.

E. Testimony

Mr. Shad swore in Michael Koplou and asked if Mr. Koplou had any comments on the Staff report. Mr. Koplou said he had nothing to add.

Ms. Tennor said there were a lot of options for re-siding the building and asked if Mr. Koplou had gotten any closer to a decision for what he wanted to use. Mr. Koplou said he

had not gotten any closer to a decision, and the insurance adjuster had just come to the property that morning. Mr. Koplow said he wanted to be prepared so he can take action as soon as possible.

Ms. Tennor asked Ms. Holmes for precedents of siding material used when new siding has been installed. Ms. Holmes gave multiple examples of precedent: a property on Main Street near St. Luke's, which was a 1980s building, that was constructed in wood, but allowed to replace in HardiePlank. There was another property on Hill Street, which was similar to this case, as it was an asbestos sided building that had a tree fall on it, triggering the need for repair. That Applicant was approved to replace the asbestos siding in HardiePlank siding and received tax credit pre-approval. Ms. Tennor asked if German lap siding was the only wood option and did not think HardiePlank came in that profile. Ms. Holmes said Boral had a product that came in a German lap profile but was more expensive than wood. Ms. Holmes confirmed that HardiePlank did not come in a German lap profile but was not sure if other fiber cement siding products came in different profiles and deferred to Ms. Zoren and Mr. Reich on this information.

Ms. Tennor asked if tax credits can be approved. Ms. Holmes said the Hill Street property received tax credits because it was considered an improvement over the asbestos siding. Ms. Tennor said the work done on this property would also be an improvement. Ms. Holmes said the unique situation about the property in question was no one knew what the historic building material was.

Ms. Tennor said the property was in a Historic District and the existing structure will need to be resurfaced. Ms. Tennor said she had preference for wood siding rather than HardiePlank but did not want to rule HardiePlank out as an option as there is precedent of the

material in a similar situation. Ms. Tennor asked Mr. Koplow what impact his choice on siding will have on his windows and asked if there would there be any issues coordinating the siding with all the existing windows, in terms of not covering window trim and details. Mr. Koplow said he has thought about replacing the windows as well, but it was not part of the application because it was not urgent. Ms. Tennor said she thought the siding and windows should be considered together and suggested to have Mr. Reich or Ms. Zoren give input on the windows.

Mr. Roth said he would approve tax credits for either siding option, based on the past precedent.

Mr. Reich said the Commission did not know what material was there originally and that it was probably some type of wood siding. Since the Commission cannot determine what profile would be in-kind, HardiePlank or German lap wood siding would be fine. Mr. Reich said tax credits should be given since this application is being done to preserve the historic structure. Mr. Reich suggested looking into acetylated, a wood material that is impregnated and sealed so that it will never rot, the material might be good for the Historic District because it allows people to use real wood. The Commissioners discussed this product, as some had not heard of it before.

Ms. Tennor asked what color Mr. Koplow will choose for the siding. Mr. Koplow said he wanted to keep the color the same as the existing.

Ms. Zoren was fine with fiber cement, Boral or wood and due to the nature of replacing asbestos, she agreed the work would be eligible for tax credits.

Mr. Shad agreed with the other Commissioners that he would approve HardiePlank and said it would be appropriate to use for replacement in this situation. Mr. Shad agreed with the other Commissioners that tax credits are appropriate for the work.

F. Motion

Mr. Roth moved to approve the use of wood siding or HardiePlank as submitted, with tax credit preapproval for either material. 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 6.D sets forth the relevant recommendations for Rehabilitation and Maintenance of Existing Buildings; Wood Siding, Singles and Logs.

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.

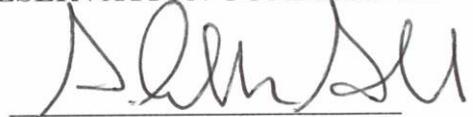
The Applicant proposes to replace existing asbestos siding with HardiePlank lap siding or German lap wood siding. The siding would be painted yellow, to match the existing color. There is no evidence of the original historic siding, but it was most likely wood. The Guidelines recommend removal of asbestos shingle siding and replacement with a more historically appropriate type of siding, preferably wood, but composite is allowed in certain instances such as here, where the siding is replacing asbestos shingle and there is no evidence of the original siding. The HardiePlank smooth finish will resemble wood when painted and the German lap siding is a common historic feature in the District. If German lap siding is used, it must be of exposure (or profile) that is similar to nearby historic buildings.

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 and meets the criteria in Howard County Code § 20.112 for initial approval of a certificate of eligibility.

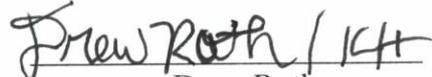
ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 1st day of October, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval and Tax Credit Pre-Approval to make exterior alterations at the Subject Property, is **APPROVED** as detailed herein.

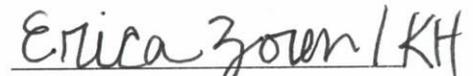
HOWARD COUNTY HISTORIC PRESERVATION COMMISSION


Allan Shad, Chair


Eileen Tennor, Vice-Chair


Drew Roth


Bruno Reich


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
JANE JOHNSON

* BEFORE THE
* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL
TO MAKE EXTERIOR ALTERATIONS
AT 8385 MAIN STREET
ELLCOTT CITY, MARYLAND

* HISTORIC PRESERVATION
* COMMISSION
* Case No. 20-66

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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 September 3, 2020 to hear and consider the application of Jane Johnson, (“Applicant”), for a Certificate of Approval to make exterior alterations at 8385 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 September 3, 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 dates to 1920.

B. Proposed Improvements

The Applicant is seeking permission for permanent outdoor seating in two locations – on the side patio and on the sidewalk. Since the Applicant does not yet have permission to place tables and chairs on the County sidewalk, the HPC is only being asked to approve the seating on the side patio and the style of furniture. The Applicant has requested three black metal tables of the same style be added to the side of the new extended patio with the rebuilt wall. The tables are two feet in diameter and will accommodate two chairs at each table, to provide seating for six people.

If the Applicant receives permission from the County to place tables and chairs on the sidewalk, the Applicant will need to return to the HPC at that time.

A brick wall on the right side of the building will be rebuilt in a new location, approximately two feet out from its current location, away from the building. The application states that the wall is crumbling from the 2016 and 2018 floods, and that water floods the sidewalks and enters the building during heavy rainfalls. The wall will be pushed back two feet, which will result in larger space under the side awning. The existing awning is not being replaced at this time and it is unclear if that runoff will now enter the proposed patio area. The sidewalk directly abuts the existing wall and will need to be dug out/excavated in order to build the wall in the new location. The application states that the new wall will look exactly like the existing wall. The existing wall is tiered in height in sections; the rear starts at 42-inches high, the next section is 33-inches high, then 27-inches high and ends at 20-inches high. Three tables seating two people each are proposed to be added to this widened section.

The existing space between the building and the wall is concrete. Once the area is widened, concrete will be re-poured for the larger space. The sidewalk leading to the rear of the building will be narrower once the wall is moved and will be about 36 inches wide at the widest area, and 24 inches at the narrowest part.

The wall will be reconstructed with concrete block and will be faced with a brick veneer. The veneer is called "historic brick." The applicant did not state why a veneer was being proposed in lieu of real brick. The HPC has approved stone veneers in the past, typically for larger structural walls.

C. Staff Report

Chapter 10.C: Parking Lots, Public Streets and Street Furniture; Street Furniture

1) Chapter 10.C recommends:

- a. *“Improve consistency in design throughout the historic district for items such as street lights, traffic signals, public signage, trash receptacles and other street furniture.”*
- b. *“Select street furniture that reinforces Ellicott City’s identity as a historic district.”*
- c. *“Carefully evaluate the need before placing additional street furniture on narrow historic district streets and sidewalks.”*
- d. *“Particularly along the commercial section of Main Street, place street furniture in areas where the sidewalk is wider or where adjacent public open space (such as the plaza next to the railroad museum) provides a more spacious environment.”*

The Applicant shows three possible options for street furniture, all of which are black metal. Images A and B seem the most appropriate to reinforce Ellicott City’s identity as a historic district, while Image C is a bit more industrial/modern (although it could be appropriate too as it is simple in design).

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.”*

The application states the wall will match the existing, so as long as the design and dimension of the wall, and the shape and color of the brick exactly match the existing, shifting the wall two feet will not affect the integrity of the building. The alteration is a minimal change and complies with the Guideline recommendations to use materials matching the existing.

D. Staff Recommendation

Staff recommends the HPC approve the style of furniture and side patio location. Staff recommends the HPC approve the new wall construction but determine if the veneer will match the building or if a real brick paver should be used.

E. Testimony

Ms. Holmes amended the Staff report to add that the brick wall may require a railing for safety and Code requirements and the Applicant should work with the Department of Inspections, Licenses and Permits on that item. If a railing is required, it could potentially be approved through the Commission's Minor Alterations process.

Mr. Shad swore in Jane Johnson and asked if Ms. Johnson had any comments on the Staff report. Ms. Johnson said there was a question in the Staff report as to why real brick was not being used on the wall. Ms. Johnson said per her contractors the preferred method was to use the concrete material to hold back any water pressure on the ground. All the contractors Ms. Johnson spoke to recommended concrete faced with brick to avoid the wall failing again in a flood.

Ms. Tennor said she hoped the Applicant would obtain permission to keep the tables and chairs on the sidewalk, because the visibility enlivens the streetscape and is preferred to the retail displays that are common. Ms. Tennor was unable to discern from the materials submitted, if the brick veneer was a good match to the brick wall opposite the retaining wall. Ms. Johnson said the existing wall is really old and has decades of dirt and soot on it, so matching the wall exactly will not be easy and the contractors are trying to match the brick color as closely as they can. The contractors felt the product submitted would be a match. Ms. Tennor asked if Ms. Johnson had any plans to clean up the existing wall. Ms. Johnson said no.

Ms. Tennor had a question about descending height of the wall. She said the wall goes down in three descending heights and at each change in elevation, the current wall has a transition detail of a rotated brick from a higher level to a lower level and the middle part of

the wall does not have the transition detail. Ms. Tennor asked if the Applicant intended to recreate that transition detail, as the wall changes height. Ms. Johnson said she will request to see if the transition can be done from the contractors. Ms. Tennor added the detail she described occurs at the end of the wall by the sidewalk and the detailing should be consistent from one level to the next and have planned transitions like the original wall. Ms. Tennor recommended each transition be consistent in the new wall.

Ms. Tennor asked if the Yew tree at the end of the wall would survive the construction and asked if there had been any feedback from the contractors about the tree. Ms. Johnson said she told the contractors that the tree must stay.

Ms. Tennor pointed out the awning over the existing wall has footers holding the awning up over the alcove area and said the application did not address how the awning will be supported on the new wall. Ms. Johnson said she would like to replace the awning eventually but was not able to do it at this time. The current support system is bent so the intent is to have the footers repaired so that Ms. Johnson can replace the awning and the supports will be straight and fixed and tied into the wall like it is currently.

Ms. Tennor said it seems like the vertical posts will need to be replaced as it appeared they will land within the space enclosed by the current retaining wall. Ms. Johnson explained the supports are angled to the left, so if the frame is straightened out the supports will only need to be slightly angled to the right to be installed on the new wall.

Mr. Roth said he was fine with the material submitted as the wall faces the building and would not otherwise be visible. He said the process of rebuilding the wall, moving it and using the veneer was fine. Mr. Roth said the Commission was also supposed to approve the styles of the tables and chairs shown in Figure 12 of the agenda. Mr. Roth pointed out the third

option on the right and said the chairs look like white plastic chairs that are stackable and found the style was not appropriate.

Mr. Reich clarified the term brick veneer for a concrete wall and said when architects talk about brick veneer, the material being referred to is an actual brick and not a thin veneer. Mr. Reich asked if the concrete wall will be poured concrete or block. Ms. Johnson said the wall will be made of cinderblock filled and faced with concrete, with rebar put through the concrete block to hold the blocks in place and give it stability to withstand water pressure. Mr. Reich said the wall could be built with concrete or cinderblock with reinforced steel. He said the reason the wall curves, as Ms. Tennor had mentioned, was because the drop in the middle of the wall is less than the drop in other areas. Ms. Tennor said the turned brick did not seem to be the solution.

Mr. Reich asked if three tables would be in the area along the side of the building and then another six tables would be placed along the street front. Ms. Burgess clarified that the six tables proposed at the street front were being removed from the application as the County owns the sidewalk in front of the building and DPW has not signed off on the request. The application was revised to have the three tables on the side of the property the Applicant owns. Mr. Reich said he had no problem with any of the styles shown as the proposed furniture looks to be made of black metal and the Commission likes to see that material in the Historic District.

Ms. Zoren agreed with Mr. Reich and thought the brick veneer was a true brick. She suggested the Applicant verify that the brick veneer will be a true depth brick and not a thin brick. Ms. Zoren said the concrete wall should be faced with the brick veneer and no concrete exposure should be seen. Ms. Zoren asked if there would be a brick cap, capstone or slab on

top of the wall and said if the wall did not look like the existing wall, that the Applicant would need to come back for a different cap on the retaining wall. Ms. Zoren asked if the concrete slabs by the retaining wall will be repoured or patched. Ms. Johnson said the expanded area under the awning, between the wall of the building and the retaining wall will be repoured with concrete.

Regarding the outdoor furniture, Ms. Zoren agreed with Mr. Roth and preferred options A or B. She said that Option C is not preferable. Ms. Zoren said that usually circular tables are used for people to circulate around, but if the tables are to be pushed up against the walls in the space under the awning, then square tables would look better.

Mr. Shad concurred with what was previously mentioned, and said the wall was fine and wanted to make sure there is brick on all sides of the wall. Mr. Shad preferred Options A and B for the street furniture, over Option C.

F. Motion

Mr. Roth moved to approve the proposal as submitted, with Staff to confirm the brick veneer is a true depth brick and fully covers the underlying concrete structure, and the street furniture is to be either Options A or B. Mr. Reich 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 10.C sets forth the relevant recommendations for Parking Lots, Public Streets and Street Furniture; Street Furniture. Chapter 9.D sets forth the relevant recommendations for Landscape and Site Elements; Walls, Fences, Terraces, Walkways and Driveways.

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 to install tables and chairs in a side patio and move an existing brick wall to make more room for patrons in the side patio area. The work is in accord with the Guidelines. The wall will be moved approximately two-feet and will appear to be brick

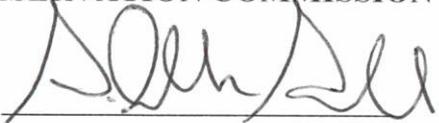
as the existing. There will be three black metal tables of the same style, approximately two feet in diameter with two chairs at each table. Black metal street furniture is common in the District. The Commission approves Options A or B for the table and chairs. The brick veneer must be a “true-depth” brick and confirmed with Staff. The capstone of the wall must be as the existing or submitted for approval in a future application.

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 1st day of October, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED** as detailed herein.

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



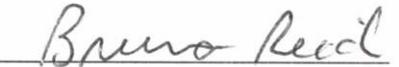
Allan Shad, Chair



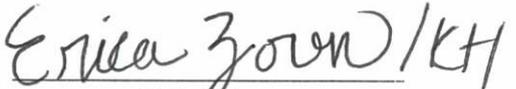
Eileen Tennor, Vice-Chair



Drew Roth



Bruno Reich



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.