

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	HOWARD COUNTY
BRANDON MORRIS		
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
FOR EXTERIOR ALTERATIONS AND		
TO MODIFY PREVIOUSLY APPROVED	*	COMMISSION
PLANS AT 3531 SYLVAN LANE		
ELLICOTT CITY, MARYLAND	*	Case No. 20-30
* * * * *		

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 June 4, 2020 to hear and consider the application of Brandon Morris, (“Applicant”), for a Certificate of Approval to make exterior alterations and modify previously approved plans, at 3531 Sylvan Lane, 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 June 4, 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.

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 house on the property dates to 1930.

B. Proposed Improvements

The Applicant proposes to make minor changes to work that was approved in HPC Case #18-65 to construct an addition and make corresponding exterior alterations. The current proposal makes slight changes to the approved plans, because there was a zoning setback issue that affected the approved design. The plans have been adjusted to comply with the 10-foot setback requirements. The plans submitted in the application show the approved and adjusted plans.

The front elevation will be reduced in width and will be reduced to a single car garage (originally a two-car garage). The window over the garage doors will change to a paired window (from a triple window). The rear elevation will now contain one window on the second floor, centered over three first floor windows. Originally there were three windows spaced evenly over the first-floor windows.

The Applicant provided the following explanation of the minor changes:

“The building when originally approved was designed to a 6' setback from the property line. In our meeting with zoning and permitting the building needed to be at the 10' setback per code.

The redesign was us choosing to lose 4' on the left side of the building (garage side) facing the front. This was the choice made instead of trying to go for an administrative adjustment. So, the plot plan shows us losing 4' to comply with the proper setbacks. This forced the dormer above the garage to go from 3 windows to 2 to keep it architecturally correct.”

The elevation incorrectly shows roofing shingles on the revised shed dormer, instead of siding. The Applicant noted that was to remain siding and not become roofing shingles and submitted an edited view of this elevation to correctly show siding.

C. Staff Report

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 way.”*
- 2) *Chapter 7 recommends, “design an addition to be subordinate to the historic building in size, height, scale and detail and to allow the form of the original structure to be seen.”*
- 3) *Chapter 7 recommends, “design windows to be similar in size, proportion and arrangement to the existing windows. On historic buildings, or any building visible from a public way, windows should have true divided lights rather than interior or sandwiched muntins. A possible alternative is windows that do not have divided lights, but have permanent exterior grilles, appropriately detailed to be compatible with historic wood windows.”*

The changes are minor and are necessary to comply with zoning setbacks. The addition will be reduced in size as a result of the setbacks, from what was originally approved. The reduction of windows still complies with the Guidelines and will be compatible with the

existing structure and overall design. All other components and materials will remain the same as originally approved.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted.

E. Testimony

Mr. Morris was in attendance, but no further information was given or discussed.

F. Motion

Mr. Roth moved to approve. 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 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.

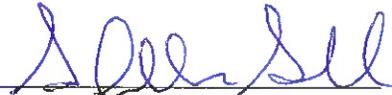
The Applicant proposes certain changes to exterior alterations approved in HPC Case # 18-35 in order to comply with a zoning set-back. The changes comply with Guideline recommendations. The previously approved addition will be reduced in size. The reduction of windows complies with Guidelines on scale and proportion and is compatible with the existing structure. All other components and materials will remain the same as originally approved.

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 9 day of July, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations and to modify previously approved plans at the Subject Property, is **APPROVED**.

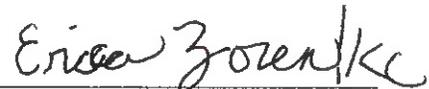
**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**


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		
MATTHEW WEHLAND	*	HOWARD COUNTY
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
TO PAINT AND MAKE ASSOCIATED	*	COMMISSION
REPAIRS AT 3892 COLLEGE AVENUE		
ELLICOTT CITY, MARYLAND	*	Case No. 20-31
* * * * *		

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 June 4, 2020 to hear and consider the application of Matthew Wehland, (“Applicant”), for a Certificate of Approval to paint and make associated repairs at 3892 College Avenue, 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 June 4, 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.

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 1900.

B. Proposed Improvements

The Applicant proposes to prep and paint the German lap siding on the house, Sherwin Williams "Serious Gray." As seen in the submitted photo, the area with German lap is the first-floor area that is yellow. The Applicant will repair or replace in-kind any rotten/damaged wood. All other areas of the house will remain the same color (all trim, the second-floor red shingles, etc. will not be painted).

C. Staff Report

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

- 1) Chapter 6.D recommends, "Maintain, repair and protect (with paint or UV inhibitor is appropriate) wood siding, wood shingles or log construction."*
- 2) Chapter 6.D recommends, "When necessary, replace deteriorated wood siding or shingles with wood siding or shingles that match the original as closely as possible in width, shape, and profile. Maintain the original shape and width of details such as cornerboards, cornices and door and window trim."*
- 3) Chapter 6.D considers the following Routine Maintenance, "Maintaining and repairing existing siding or shingles."*

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

- 4) 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...In general, use calm or subdued colors, reserving bright colors small, important details, such as door or trim."

The proposal to prep, make any needed repairs or in-kind replacement of wood, and paint the siding on the house complies with the Guideline recommendations.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted.

E. Testimony

Mr. Wehland was in attendance, but no further information was given or discussed.

F. Motion

Mr. Roth moved to approve. 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 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

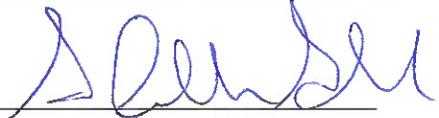
Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair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

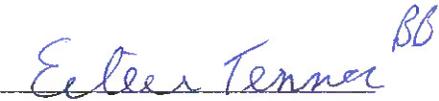
The Applicant seeks approval to paint German lap siding on the first floor of a historic home. The second floor is composed of red shingle, and the existing first floor paint color is yellow. The proposed gray color is in keeping with Guideline recommendations to use subdued colors that are compatible with a structure 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.

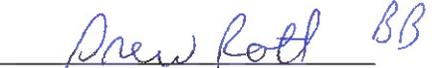
ORDER AND CERTIFICATE OF APPROVAL

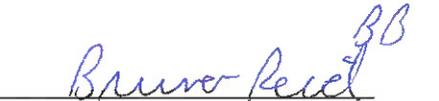
Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 9th day of July, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval and Tax Credit Pre-Approval to paint and make associated repairs at the Subject Property, is **APPROVED**.

HOWARD COUNTY HISTORIC PRESERVATION COMMISSION


Allan Shad, Chair

^{BB}
Eileen Tennor, Vice-Chair

^{BB}
Drew Roth

^{BB}
Bruno Reich

^{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	*	BEFORE THE
THE APPLICATION OF	*	HOWARD COUNTY
DAVID WARSHAW		
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
TO MAKE EXTERIOR		
ALTERATIONS AT 3612-3614	*	COMMISSION
COURT HOUSE DRIVE		
ELLICOTT CITY, MARYLAND	*	Case No. 20-32
* * * * *		

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 June 4, 2020 to hear and consider the application of David Warshaw, (“Applicant”), for a Certificate of Approval to make exterior alterations at 3612-3614 Court House Drive, 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 June 4, 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.

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 buildings on the property date to 1966.

B. Proposed Improvements

The Applicant proposes to install four poles, with attached light fixtures, to illuminate the upper portion of the apartment parking lot. The lights will be installed in the upper lot, closer to Court House Drive, as shown in the exhibits in the application. The poles will be 4-inch square, 15 feet tall, aluminum finished in a dark bronze color. The lights will be 120-Watt LED rectangular shoebox fixtures finished in a dark bronze color. The wiring will all be in-ground.

C. Staff Report

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

- 1) Chapter 10.D explains the following light types are found in the district: "Rectilinear or box lights, used in public parking lots and along the lower section of Fels Lane. A dark pole with a simple box light, although modern in style, is unobtrusive during the day and highly efficient at night."*
- 2) Chapter 10.D recommends, "When new streetlights or parking lot lights are needed, install traditional style, post-top fixtures made of dark metal, particularly in highly visible location. Use simple box lights, also with a dark finish, only for large parking lots, or for intersections where a taller pole is necessary."*

The proposed streetlight will be located on a property that does not contain any historic structures. The streetlights will be appropriately scaled for use in the apartment parking lot.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted.

E. Testimony

Mr. Warshaw was in attendance, but no further information was given or discussed.

F. Motion

Mr. Roth moved to approve. 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 sets forth the relevant recommendations for Parking Lots, Public Streets and Street Furniture 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 does not contribute to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be lenient 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.

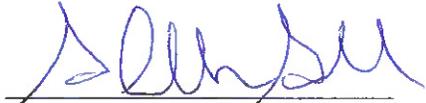
The Applicant proposes to install four poles, with attached light fixtures, to illuminate the upper portion of an apartment parking lot. The poles will be 4-inch square, 15 feet tall, aluminum finished in a dark bronze color. The lights will be 120-Watt LED rectangular shoebox fixtures finished in a dark bronze color. The wiring will be in-ground. Although there are no historic structures on the property, the lighting fixtures comply with Guideline recommendations in terms of scale and materials.

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.

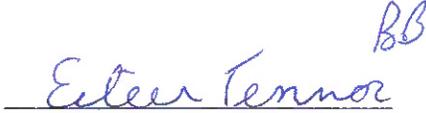
ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 9th day of July, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED**.

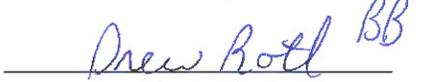
HOWARD COUNTY HISTORIC PRESERVATION COMMISSION



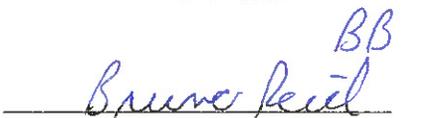
Allan Shad, Chair

 BB

Eileen Tennor, Vice-Chair

 BB

Drew Roth

 BB

Bruno Reich

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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
MICHELLE MCDONALD		
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
TO MAKE EXTERIOR ALTERATIONS	*	COMMISSION
AT 3646 FELLS LANE		
ELLICOTT CITY, MARYLAND		Case No. 20-33
* * * * *		

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 June 4, 2020 to hear and consider the application of Michelle McDonald, (“Applicant”), for a Certificate of Approval and Tax Credit Pre-Approval to make repairs and exterior alterations at 3646 Fells Lane, 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 June 4, 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 1900.

The Applicant recently purchased the house and has found several things that need to be repaired.

B. Proposed Improvements

The Applicant proposes the following work:

- 1) Replace the existing main asphalt roof. The new roof will be Certainteed Landmark shingles (asphalt/fiberglass-based construction) in the color Colonial Slate. Tax credit pre-approval for the work.
- 2) Repair and repoint the stone foundation of the house, which is cracked in some places and possibly patched with Portland Cement in others. Tax credit pre-approval for the work.
- 3) Trim trees around the house.

- 4) Remove an evergreen tree located in the front yard, that is growing close to the house and within the power lines. The tree appeared to have a dbh (diameter breast height) greater than 12-inches. May 21, 2020 update – this tree has been removed without approval and is now before the Commission for retroactive approval. See the justification of tree removal farther below.
- 5) Replace the wooden stair railings leading to the side/rear yard. The railings are located on the west side of the house.

C. Staff Report

Chapter 6.E: Rehabilitation and Maintenance of Existing Buildings; Roofs, Dormers and Gutters

- 1) *Chapter 6.E recommends, “Replace historic roofing with asphalt shingles or other modern materials only if historically accurate materials cannot reasonably be used. Use asphalt shingles that are flat, uniform in color and texture and of a neutral color.”*

The roof on the main portion of the house is already an asphalt roof and has been so for many years, the change is not recent. The replacement of the worn asphalt roof, with a new asphalt/fiberglass shingle roof, in the color Colonial Slate, complies with the Guideline recommendations. The metal porch roof will remain as-is and will not be replaced.

Chapter 6.C: Rehabilitation and Maintenance of Existing Buildings; Masonry

- 2) *Chapter 6.C states:*
 - a. *“Carefully remove modern materials that have been applied over historic masonry.”*
 - b. *“Use mortar mixes that are compatible with early stone and brick.”*
- 3) *Chapter 6.C provides additional guidance on repointing, referring to the National Park Service’s **Preservation Brief #1, Repointing Mortar Joints in Historic Buildings.***

The application explains that the foundation walls need to be repointed, but also shows other historic exterior stone walls that are in need of repair. It also appears some foundation walls have been previously repointed with concrete, which is not an appropriate treatment and

can cause damage to the stone and wall. The applicant only recently moved into the house and is trying to handle the more urgently needed repairs but has not yet met with the mason.

Staff recommends the HPC pre-approve tax credits for the proper repair of historic foundation and other historic walls on the property, with the final scope of work to be approved by staff. This would allow additional time for the County architectural historian to review the walls on the property and provide advice on the proper treatment of each wall (i.e. mortared or dry-stacked), and to review the proposal from the mason, once received by the property owner, to ensure the proposed repairs are appropriate.

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

4) *Chapter 9.B recommends:*

- a. *“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.”*
- b. *“Retain mature trees and shrubs, provide for their replacement when necessary.”*

5) *Chapter 9.B recommends against:*

- a. *“The removal of live mature trees, unless it is necessary due to disease or to prevent damage to historic structures.”*
- b. *“Topping trees, i.e., cutting off the main leader or other large branches.”*

6) *Chapter 9.B considers the following to be Routine Maintenance, “General gardening activities, including moving, trimming, pruning, and installing ground covers.”*

While the removal of the front tree complied with the Guidelines, it was removed without approval. It was growing close to the house and was scraping against the roof and growing in the power lines. Pruning of this tree to avoid the power lines would most likely result in topping the tree, which is not recommended and severely hurts the tree. If feasible due to the size and shape of lot, a new tree should be planted elsewhere on the property.

The proper pruning of other trees on the property (i.e. no topping of the trees) would be considered Routine Maintenance.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted with the final scope of the repointing and wall repair to be approved by Staff.

E. Testimony

Mr. Shad swore in James McDonald. Mr. Shad asked if Mr. McDonald had anything to add to the staff report. Mr. McDonald said he had nothing to add to the staff report. Mr. Shad said the application was submitted on May 10, 2020; but it appears the actual tree was removed after the application was filed. Mr. Shad asked why the tree was removed after the application was submitted. Mr. McDonald said the family had recently moved to the area and did not know approval was needed to remove the tree.

Ms. Tennor asked for confirmation for item 5 – the stair railing on the side of the house and wondered if the railing will be replaced in-kind. Mr. McDonald said he would be making a similar structure with better wood.

Ms. Tennor said the slope drops off pretty sharply by the stairs and asked if that was why the Applicant wants a fence there, for something more secure. Mr. McDonald said the wood appears to be rotting and wants to replace it with modern, better treated wood. Ms. Tennor asked if that portion of the fence was historic. Mr. McDonald confirmed the portion of railing and fence were not historic.

Mr. Roth said the application is fine and concurs with staff recommendations.

Mr. Reich said that the application was straight forward but had questions about mortar repointing and Ms. Holmes explained the application contained several different areas for repointing, but when Mr. McDonald's wife had submitted the application, she had not yet met with a mason. Ms. Holmes explained that while some of the areas appeared to be part of the

house, others appeared to be historic walls on the property and staff needed a chance to confirm all of the walls were historic and wanted to see a scope of work from the mason.

Ms. Zoren agreed with all the comments that had already been said. Ms. Zoren explained to the Applicant that if he wanted to change the non-historic railing to be a different style that was more historically appropriate, or color, it would be okay with the Commission because the current railing is not historic. Ms. Zoren said if they decide to change the railing to a different style, that needs to be resubmitted with detail; otherwise she found replacing in-kind was okay.

Mr. Shad said he understood the Applicants were new to the neighborhood but asked that the Applicant become familiar with the Guidelines or come to staff if they have questions.

F. Motion

Ms. Tennor moved to approve the application as submitted, with follow up with the staff on repointing the mortar and if there are any changes proposed to the non-historic fence. 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 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 proposes exterior alterations to a historic home, including roof replacement, repointing of the stone foundation, removal of a tree, and in-kind repairs to a fence and a stair railing. The existing asphalt shingle roof will be replaced with a new asphalt shingle roof that meets Guideline recommendations for uniform texture and neutral color. The metal porch roof will not be replaced.

The stone foundation walls must be repaired by repointing the mortar. Unfortunately, there are some existing repairs with concrete, which may damage the foundation. The repointing is approved contingent on compliance with Guideline recommendations and Staff approval of the final scope of work.

The tree removal complies with Guideline recommendations as it was growing close to the house, threatening the historic structure.

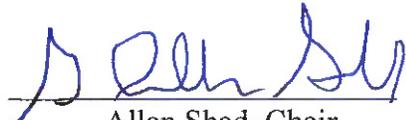
In-kind repair and replacement of the fence and railing are approved as Routine Maintenance.

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.

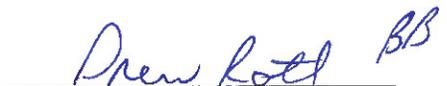
ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 9th day of July, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval and Tax Credit Pre-Approval to make repairs and 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
DAN ENGBRETSSEN

* BEFORE THE
* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL
TO MAKE EXTERIOR ALTERATIONS
AND REPAIRS AT 6162 LAWYERS
HILL ROAD, ELKRIDGE, MARYLAND

* HISTORIC PRESERVATION
* COMMISSION
* Case No. 20-34

* * * * *

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 June 4, 2020 to hear and consider the application of Dan Engebretsen, (“Applicant”), for Certificate of Approval to make exterior alterations and repairs at 6162 Lawyers Hill Road, Elkridge, 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 June 4, 2020 Commission meeting; (5) the Lawyer’s Hill Historic District Design Guidelines, May, 1995 (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 Lawyers Hill Historic District. According to SDAT the building dates to 1851.

B. Proposed Improvements

The Applicant proposes to make the following repairs and alterations to the main house:

- 1) Replace rotten cedar siding with new siding to match the existing. Prep and scrape peeling siding. Paint house – siding, trim, doors, windows.
- 2) Repair shutters as needed and replace missing shutters with wood to match existing in design. Paint all shutters and install.
- 3) The following new paint colors will be used:

Front door – wood grain faux paint, per Guideline recommendations.

Windows – dark brick red, Colony Red AE-6

Siding – a light gray, Polished Silver AE-49

Trim – a medium gray, Gray Cast AE-50 and White 3800

Shutters – Molten Black AE-54

C. Staff Report

Chapter 5: Routine Maintenance

- 1) *Chapter 5 states the following is Routine Maintenance: “Repair or replacement of roofs, gutters, siding, external doors and windows, trim, lights, and other appurtenant fixtures using the same materials and design.”*

Chapter 6.E: Rehabilitation and Maintenance of Existing Buildings; Siding and Shingles

- 1) *Chapter 6.E recommends:*

- a. *“Maintain and repair existing wood siding or wood shingles.”*
- b. *“When necessary, replace deteriorated wood siding or shingles with materials that match the original as closely as possible in texture, size, shape and that maintain the original shape and width of details such as cornerboards and door and window trim.”*

Chapter 6.J: Rehabilitation and Maintenance of Existing Buildings; Shutters and Blinds

- 2) *Chapter 6.J recommends,*

- a. *“Maintain and repair original shutters and blinds.”*
- b. *“For replacements, install wood shutters or wood blinds that maintain the size, proportions and locations of the originals. If the replacements are not operable, they should at least appear to be so with hinges and hold backs appropriate to the period of initial construction.”*

The repair and in-kind replacement of the siding and shutters is considered Routine Maintenance and complies with the Guideline recommendations.

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

- 1) *Chapter 6.O recommends, “Use colors appropriate to the period and style of the building.”*
- 2) *Chapter 6.O considers the following to be Routine Maintenance – “Painting previously painted surfaces using the colors listed in the following chart on a house of the appropriate architectural style. For buildings that are a mix of styles or do not fit clearly into any style, use one of the following methods to determine which colors are routine maintenance. For houses that are a mix of styles, use the colors listed for the architectural style of the original or dominant block of the house.”*

The proposed colors comply with those recommended in the Guidelines as recommended by the architectural type of the building.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted.

E. Testimony

Mr. Shad swore in Dan Engebretsen. Mr. Shad asked if Mr. Engebretsen had any information to add to the staff report. Mr. Engebretsen said he had nothing to add to the staff report.

Ms. Tennor said she thought the application was straight forward. Mr. Roth and Mr. Reich had no questions.

Ms. Zoren said she had some concerns with the red window frames being eye catching against the grey siding. Ms. Zoren asked if the window frames were already red. Mr. Engebretsen confirmed all the window frames were red. Ms. Zoren said as the windows were being kept in a similar shade, she had no issues. Mr. Shad said he had no questions.

F. Motion

Mr. Roth moved to approve the application as submitted. 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 Lawyer's Hill Historic District Design Guidelines. Chapter 5 sets forth the relevant recommendations for Routine Maintenance and 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 the historic significance of Lawyer's Hill. 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 restoration work to a historic house. Most of the work consists of Routine Maintenance, but there are some new proposed paint colors. The colors are in accord with Guidelines recommendations as they are appropriate to the period and style of the building.

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 Lawyer's Hill Historic District.

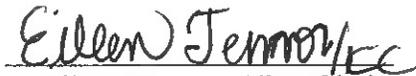
ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 9 day of July, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval to make exterior alterations and repairs at the Subject Property, is **APPROVED**.

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



Allan Shad, Chair



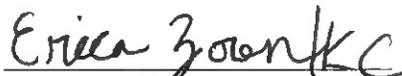
Eileen Tennor, Vice-Chair



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
DAN ENGBRETSSEN		
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
TO MAKE EXTERIOR ALTERATIONS	*	COMMISSION
AT 6162 LAWYERS HILL ROAD		
ELKRIDGE, MARYLAND	*	Case No. 20-35
* * * * *		

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 June 4, 2020 to hear and consider the application of Dan Engebretsen, (“Applicant”), for a Certificate of Approval to make exterior alterations at 6162 Lawyers Hill Road, Elkridge, 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 June 4, 2020 Commission meeting; (5) the Lawyer’s Hill 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 Lawyers Hill Historic District. According to SDAT the building dates to 1851.

B. Proposed Improvements

The Applicant proposes to make exterior alterations to three outbuildings located on the property, as described below. The outbuildings include a garage, workshop and greenhouse. The garage does not appear to be historic, but the dates of construction for the greenhouse and workshop are unknown by staff.

Garage

The Applicant proposes to make the following alterations to the garage:

- 1) Remove the existing white vinyl siding and replace it with a rough 8-inch board placed perpendicular to the ground. The photo example provided indicates board and batten style siding. All seams, corners and trim to be covered with a 3-inch board.

- 2) Replace the existing metal garage doors with a wood carriage style “X” pattern garage door with a 4-light transom.
- 3) Extend the front overhang/rake by 12 inches.
- 4) Paint all new siding white.
- 5) Replace the current asphalt roof with GAF Timberline HD Shingles in the color Hickory (a reddish-brown).

Greenhouse

The Applicant proposes to make the following alterations to the greenhouse:

- 6) Remove the existing white vinyl siding and replace it with a rough 8-inch board placed perpendicular to the ground. The photo example provided indicates board and batten style siding. All seams, corners and trim to be covered with a 3-inch board.
- 7) Paint the new siding white.
- 8) Replace the current asphalt roof with GAF Timberline HD Shingles in the color Hickory (a reddish-brown).
- 9) Replace the Plexiglass windows and paint the rock-faced concrete block white to match the new siding.

Workshop

The Applicant proposes to make the following alterations to the workshop:

- 10) Remove the existing white vinyl siding and replace it with a rough 8-inch board placed perpendicular to the ground. The photo example provided indicates board and batten style siding. All seams, corners and trim to be covered with a 3-inch board.
- 11) Paint the new siding white.

- 12) Replace the current asphalt roof with GAF Timberline HD Shingles in the color Hickory (a reddish-brown).
- 13) Replace the existing metal garage door with a wood carriage style “X” pattern garage door with a 4-light transom.

C. Staff Report

Chapter 3: Architectural Styles in Lawyers Hill

- 1) *Chapter 3 explains, “There is also a diverse collection of outbuildings in the district, including a rustic Adirondack gazebo, garages dating from the early auto age, and board and batten barns.”*

Chapter 6.E: Rehabilitation and Maintenance of Existing Buildings; Siding and Shingles

- 2) *Chapter 6.E explains, “The most common exterior wall material in the Historic District is wood siding consisting of overlapping wood boards running horizontally. Both clapboards and German siding are found. Wood shingles, painted or stained, are used on several house. Vertical board and batten wood siding is used on part of one house and on outbuildings.*
- 3) *Chapter 6.E recommends, “Remove asbestos shingles or other coverings to restore original wall material.”*
- 4) *Chapter 6.E recommends against, “Changing the scale of siding; eg. Replacing narrow 4”-5” clapboard with 8” siding.”*

While the garage building does not appear historic, staff is unclear on the age of the other structures. The greenhouse structure appears to be historic, but the age of the structure it is attached to is unknown. The Historic Sites Inventory form does not provide any information as to the age of the outbuildings.

The Guidelines reference board and batten in conjunction with outbuildings. The proposed removal of the vinyl and the change to wood siding complies with the Guideline recommendations and will also make all outbuildings one consistent style. The outbuildings are not visible from the public right-of-way.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted.

E. Testimony

Mr. Engebretsen was previously sworn in. Mr. Shad asked if Mr. Engebretsen had anything to add to the staff report.

Mr. Engebretsen said the three outbuildings have vinyl siding and are not historic buildings, but he was still asking the Commission for permission to put up wood siding, architectural roof shingles and garage doors on the outbuildings.

Ms. Tennor said she thought the proposed changes to the outbuildings would improve their appearance and did not have problems with the proposed changes.

Mr. Roth and Mr. Reich had no objections to the application.

Ms. Zoren said in Figure 6 of the staff report, there was an existing garage with a basketball hoop, and noted the siding on the garage in Figure 6 did not have vinyl siding. Ms. Zoren asked if Mr. Engebretsen was proposing to add vertical wood siding on that garage as well.

Mr. Engebretsen explained that the garage Ms. Zoren referenced had a fire before he purchased the property and a lot of the vinyl siding was burnt so he tore it off. Mr. Engebretsen said the top part of the garage is foam board where the basketball hoop was located. Mr. Engebretsen said he would be replacing the garage with all vertical wood siding as well.

Mr. Shad said he had no questions.

F. Motion

Mr. Roth moved to approve the proposal as submitted. 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 Lawyer's Hill Historic District Design Guidelines. Chapter 3 sets forth the relevant recommendations of Architectural Styles in Lawyer's Hill and Chapter 6 sets forth the relevant recommendations of 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 the historic significance of Lawyer's Hill. 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 white vinyl siding from three outbuildings on a historic property and replace with wood board and batten siding to be painted white. The Applicant will also replace the roofs in-kind and replace two garage-style doors with new doors. There is no evidence the outbuildings are historic and there are not visible from the public way, but the replacement of vinyl siding with wood siding is in accord with Guideline recommendations to use historic materials that are compatible and consistent for a particular setting. The other changes constitute Routine Maintenance or are otherwise in keeping with Guideline recommendations.

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 Lawyer's Hill 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 9th day of July, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED**.

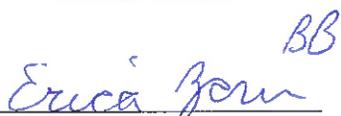
**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**


Allan Shad, Chair

^{BB}
Eileen Tennor, Vice-Chair

^{BB}
Drew Roth

^{BB}
Bruno Reich

^{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	*	BEFORE THE
THE APPLICATION OF	*	HOWARD COUNTY
MARK HEMMIS		
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
FOR EXTERIOR ALTERATIONS	*	COMMISSION
MADE AT 8308 MAIN STREET	*	Case No. 20-36
ELLCOTT CITY, MARYLAND		
* * * * *		

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 June 4, 2020 to hear and consider the application of Mark Hemmis, (“Applicant”), for a Certificate of Approval for exterior alterations made at 8308 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 June 4, 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.

While the application is currently before the Commission for retroactive approval, it was installed by the television show that recently filmed in Ellicott City and not by the business owner. Due to the "surprise" nature of the show, the business owner was unaware that the alteration was taking place.

In September 2018, The Fund for Art in Ellicott City submitted an Advisory Comment/Pre-Application Advice application to receive feedback on multiple locations for future murals. This building was included in that list as a possible location, but the Commission did not recommend a mural on this building. The Fund for Art in Ellicott City did not end up pursuing this location due to Commission feedback.

B. Proposed Improvements

The Applicant seeks retroactive approval for the mural that was installed on the side of the building. The mural was painted on canvas, which was then adhered to the brick on the side of the building; the mural is not painted directly on the brick. The mural depicts several different scenes from Ellicott City, including the railroad bridge sign that is visible from Baltimore County, the view of Main Street looking east at the Church Road intersection and the Caplan’s sign.

The production company provided the following information about the installation of the mural:

- The mural can stay up on the brick for 5+ years. It will not last long term.
- It was affixed to the wall with a Nova Gel 208 glue.
- To get the canvas painting down you would just simply cut the glue from the back of the canvas off the wall, then use a 3000 PSI pressure washer to get the glue off the wall. The pressure washer will not hurt the brick; it will only remove all of the glue, dirt and grime from the wall.

C. Staff Report

Chapter 11.B.9: Signs, Commercial Buildings, Wall Murals

- 1) *Chapter 11.B.9 explains, “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 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 depicts various iconic scenes found in Ellicott City and is well-executed artwork.

Chapter 6.C: Rehabilitation and Maintenance of Existing Buildings; Masonry

- 2) *Chapter 6.C recommends against:*

- a. *“Replacing or covering original masonry construction.”*
 - b. *“Painting historic stone or historic brick that has never been painted or removing paint from masonry walls that were originally painted.”*
 - c. *“Cleaning or removing paint from masonry walls using methods that damage the masonry.”*
- 3) *Chapter 6.C recommends, “Carefully remove modern materials that have been applied over historic masonry.”*
 - 4) *Chapter 6.C explains, “Masonry is easily damaged by harsh cleaning, paint removal or waterproofing methods, or use of the wrong type of mortar...An application to repair, clean or remove paint from masonry must specify in detail the method to be used.” This section also refers people to the National Park Service (NPS) Preservation Briefs for more information on masonry repair. The Preservation Briefs, specifically Brief 6, **Dangers of Abrasive Cleaning to Historic Buildings**, consider pressure washing to be an abrasive removal method at certain high pressures.*

The historic brick surface was not an ideal surface for the mural to be glued on. While the production company states that the glue can be pressure washed off, that is incorrect as the historic brick could easily be damaged by a pressure washer. The NPS Preservation Briefs, specifically Brief 6, **Dangers of Abrasive Cleaning to Historic Buildings**, consider pressure washing to be an abrasive removal method at certain high pressures. At whatever point the mural is removed, the Preservation Briefs should be consulted prior to removal and the application for removal should specify the method to be used to remove the glue coating without damaging the brick.

D. Staff Recommendation

Staff recommends the HPC determine if the mural and installation methods comply with the Guidelines and approve or deny accordingly. If the HPC approves the application, Staff recommends the HPC approve a 5-year limit on the mural, unless the mural begins to deteriorate sooner.

E. Testimony

Mr. Shad swore in Mark Hemmis. Mr. Shad asked if Mr. Hemmis had anything to add to the staff report. Mr. Hemmis explained that he did not know about the mural until it was

installed. Mr. Hemmis said the mural was a great addition to the area and was drawing good attention and had become a focal point. Mr. Hemmis said the mural was in good condition, but if it needs to come down in five years that would be fine, but he would like to see it stay.

Ms. Tennor had two comments; this application was the second case that had come before the Commission where the applicant was the recipient of surprise outside design service and the Commission was also surprised. Ms. Tennor said this is not the way the application process is supposed to work and reiterated that when there is exterior work in the District, it is supposed to be approved by the Commission beforehand.

Ms. Tennor said her second concern was how the mural was glued to the historic brick wall. While the people who donated the improvement assured the Commission there was no problem with this kind of application, apparently this glue might need to be pressure washed off which is not good for brick, especially antique brick. She said that pressure washing compromises the surface of the brick and weakens it structurally. Ms. Tennor was worried that in five years' time there may be a problem with the glue on the brick. Ms. Tennor said she was not inclined to approve the application after the fact. Ms. Tennor said she did not have issues with the picture itself, but with the glue.

Mr. Hemmis said he had only learned a few weeks ago that the mural was not approved. He said the production company had gone through with other approvals for the Historic District. Mr. Hemmis said he agrees with the Commission's concern with the surprise changes. He said the mural was completed by a professional mural company and he has been assured the glue will come off. The company told Mr. Hemmis the mural was primarily glued on the outside perimeter. Mr. Hemmis brought up the point that there have been many instances of pressure washing brick after the floods. Mr. Hemmis said it would be a travesty

to take the mural down at this point. Mr. Hemmis said he agrees it should have been approved beforehand, but said the mural is an asset for the top part of the hill.

Mr. Roth shared his concern for how work had been done without approval and said there needs to be some transparency. Mr. Roth asked who set the terms to make changes and do the work; that party has never come before the Commission and Mr. Roth said that was part of the problem. Mr. Roth said the mural was nice.

Ms. Burgess said the County was asked about the mural and location. She stated that a mural painted on the wall was not an option but said that it was implied by the producers that they would hang a canvas-like mural on a temporary basis. County Staff told the production team to use mortar joints and that not screwing into the brick wall was important. However, the production team applied the mural on the wall in a different manner, that seems not as temporary.

Mr. Reich said the mural fabric was glued to the wall. Mr. Reich said he did not think the mural would last five years anyway. Mr. Reich said the other problem was the other two murals approved went through a year-long vetting process, including where they would go, colors, and what the mural would be/what would be depicted. He said those murals added to the composition of Ellicott City and were not in patrons faces as they were installed on side streets, on the sides of buildings. Mr. Reich said he was a bit conflicted about the application. He said the mural was not in your face coming down Main Street and was wedged between two buildings. The mural did not have bright colors that obstructed architectural features. Mr. Reich said the mural depicted a lot of historic things in Ellicott City. He did not think the mural was bad and said it should have a maximum of 5 years approval and removed the

moment it starts to deteriorate. Mr. Reich cautioned if anything were to be installed in place of this mural, that alteration should go through the normal approval process.

Ms. Zoren said she agreed on the issues about the approval process. Ms. Zoren said the mural was not facing Main Street or obstructing architectural features. She said it was a valid spot to have a mural and said if it had been something that came to them during the original mural selection process, it would have fit with the theme of Ellicott City and the colors blend into the building. The overall composition is appropriate for Ellicott City. Ms. Zoren said her biggest issue was the temporary nature of the mural. Ms. Zoren agreed with a five-year limit, or earlier if the mural deteriorates.

Mr. Shad said he shared similar concerns that Ms. Tennor mentioned, especially in regard to the surprise nature of the alterations. He said the building was included previously when discussed in the mural applications of September 2018, but the Commission did not recommend a mural on this building.

Ms. Tennor asked if it was possible to not approve the application but allow it to remain for the period as recommended by staff. Mr. Shad said the Commission can either approve or deny the application. Ms. Burgess said that the Commission cannot ignore the application, the mural would be vulnerable for violations and would have to come back to the Commission if it was in violation.

Ms. Holmes said the staff report included a suggestion that the removal of the mural require approval, in order to know what the method would be. She explained that the National Park Service Preservation Briefs recommend performing a small test area of various pressures to determine what does not cause damage, before removing the whole project. Ms. Tennor said this requirement would alleviate her concerns about the glue.

Mr. Hemmis explained he has been in Ellicott City for 18 years as a tenant, that he recently purchased the building last week and put his application in for the mural as soon as he heard it had not been approved. Mr. Hemmis said that he was here for the long haul and would honor any conditions the Commission puts on him.

Ms. Tennor said Mr. Hemmis was an asset to Ellicott City. Ms. Tennor said it would be good to try and stick to the historic preservation code. Ms. Tennor thought it made sense to approve the mural with conditions that when the mural will be removed, 5 years or before depending on condition, if any point if the mural is thought to need to be removed, tests will be done for the residue on the brick from the glue.

F. Motion

Mr. Roth moved to approve the application with the mural to remain with a maximum of five years, to be removed sooner if it shows signs of deterioration and the method of removal shall be brought before the Commission for approval. 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 11 sets forth the relevant recommendations for Signs and 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 approval for a mural painted on a building he acquired after the mural was painted, and which was done without his foreknowledge. The mural was placed as part of a television show focused on improvements to Historic Main Street.¹ Due to an

¹ See, Ana Faguy, "What we learned from watching Gordon Ramsay make over Ellicott City in '24 Hours to Hell and Back,'" Baltimore Sun (May 13, 2020).

abbreviated timeline and the secret nature of the show's "reveal," the Applicant was not aware of the mural, until after it was placed on the Property.

It is unfortunate that the mural was installed without approval, or comment, from the Commission. Murals obviously have a significant visual impact on the appearance of the Historic District. The Commission recently considered applications by a non-profit art fund for the installation of murals in the District. HPC Case Nos. 19-32, 19-33. In those cases, the applicant worked with the Commission to select appropriate locations and subject matter for the murals. The Commission considered it relevant that the murals were executed by professional artists and included historic themes directly related to the history of the District. The murals in those cases were compatible with the surrounding area and did not use unduly bright colors, or colors inconsistent with neighboring structures. Most importantly, for the integrity of the historic structures, the murals were mounted so that they would not damage historic brick walls and could be easily removed in the future.

The Guidelines, and the Commission, oppose murals that damage historic buildings. In the prior mural cases, mounting of the mural received the careful attention it deserves. Here, Staff recommended mounting by securing in the mortar between brick, as recommended by the Guidelines. Unfortunately, that recommendation was not heeded, and the mural was mounted using an adhesive.

Adhesives can damage historic materials, such as brick. Although the Applicant indicated that power washing is not uncommon in the District, the use of such tools must avoid damaging the surface of the brick, stone, or siding it is meant to clean. Destruction of historic materials requires a Certificate of Approval and should be avoided.

The mural in this case meets many of the standards the Commission has applied to prior mural applications. The two standards it does not meet are: 1) obtaining approval *prior* to performing the work and, 2) ensuring that adhering the mural to the historic brick wall does not damage the brick.

The mural is in an appropriate location. It is in muted colors that are compatible with the surrounding area. It is an appropriate scale and depicts appropriate subject matter, a scene from the District, though it is somewhat generic and would likely have been improved with the incorporation of appropriate historic subject matter.

Only time will tell whether the adhesive used to mount the mural damages the historic brick. Given the supposed ease of removal, it may be worthwhile to removal the adhesive now, when the appropriate parties can address the cost. The mural could then be remounted in a manner that complies with relevant standards in the Guidelines and the U.S. Secretary of the Interior Standards.

In this instance, the mural is proposed to be in place for five years, or until such time as the mural is deteriorated, whichever is shorter. Given the totality of the circumstances of this case, the Commission approves the mural for that time period under the following conditions. If the mural is visibly deteriorated it must be removed. *Prior to removal*, the Applicant must obtain a Certificate of Approval to remove the mural and include an explanation of how the removal process will not damage the historic structure.

For these reasons, and for the reasons identified in the Staff Report, the reasons stated by the Commission, and the conditions cited herein, 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 9 day of July, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED, contingent on adherence to the conditions 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	*	BEFORE THE
THE APPLICATION OF	*	HOWARD COUNTY
MARK HEMMIS		
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
TO MAKE EXTERIOR ALTERATIONS	*	COMMISSION
AT 8308 MAIN STREET		
ELLICOTT CITY, MARYLAND	*	Case No. 20-37
* * * * *		

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 June 4, 2020 to hear and consider the application of Mark Hemmis, (“Applicant”), for a Certificate of Approval to make exterior alterations at 8308 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 June 4, 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 proposes to install two awnings on the exterior of the building. The awnings have been removed from their current location at 8049 Main Street and moved to 8308 Main Street on the back and side doors.

The Applicant proposes to install the wider awning on the gray door rear door, shown in Figure 13 and the smaller awning on the green door on the side of the building, shown in Figure 14. Dimensions were not provided of the doors or the awnings.

C. Staff Report

Chapter 6.L: Rehabilitation and Maintenance of Existing Buildings; Awnings

1) Chapter 6.L recommends:

- a. "When installing awnings or canopies, use shed-style awnings that are scaled appropriately for the building size and window spacing. Awnings should be made of nonreflective canvas or another strong fabric, in a color compatible with the building façade."*

- b. *“Provide a 10-inch to 12-inch valance on awnings. On commercial buildings, use only the awning’s valance for signage.”*

The awnings are not shed style but have been on the building at 8049 Main Street and were approved by the Commission in 1990. While shed style is the recommended style, circular awnings such as these have been approved for use on other buildings, such as on Tersiguel’s across the street. If approved to relocate the awnings, the awning frame should be installed in the mortar, not the brick. The mortar can easily be repaired in the future if the awnings are to be removed, but the brick cannot be repaired as easily.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted and recommends the HPC consider a maintenance/replacement component to an approval.

E. Testimony

Ms. Holmes clarified the proposed awnings were not installed, only removed from their original location at 8049 Main Street, and the staff report was in error. Mr. Hemmis was already sworn in.

Ms. Tennor said she preferred shed style awnings and understood the awnings had previously been approved at a different location. Ms. Tennor said she could not get a feeling of scale as the awnings were being moved to a different set of doors. Ms. Tennor said the new submittal showing the awnings over the doors did not help her understand the proportions.

Mr. Hemmis said the awning from Figure 14 of the staff report would go over a side alley door that cannot open. The awning is from the original front door of the Phoenix Emporium and is significantly smaller and would only extend out a few inches on either side of the newly proposed location. The awning from the Maryland Avenue side of 8049 Main

Street would go over the back door of 8308 Main Street, which is the main delivery door and provides protection from the elements. Ms. Tennor said the awnings would be in locations that were not very visible but would provide a function.

Mr. Roth said it was a wonderful idea to repurpose the awnings in display and he had no objection to the request.

Mr. Reich said the awnings have become historic themselves and that the awnings fit in the locations of the new building.

Ms. Zoren noted there may be a conflict on the back-door location where the awning is to be added. Currently there is a light in that location, and it may need to be replaced. Ms. Zoren said if the applicant had to move the light, they would need to come back to the Commission for approval of the light relocation. Ms. Zoren reminded the applicant install the awnings and light in the mortar, not brick.

Mr. Shad was glad to see the awnings reused and agreed with Mr. Roth. Mr. Shad said the awnings cannot be seen on either location on Main Street, so he had no issue with the application.

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 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.

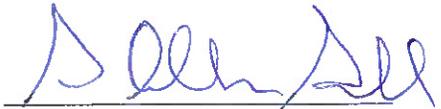
The Applicant seeks approval for the installation of two awnings on a historic building. The two awnings were approved by the Commission in 1990 for a different building that suffered significant damage in the floods of 2016 and 2018 and is proposed for demolition as part of an infrastructure project to reduce flooding. The longtime pub at that building has relocated to the Subject Property. The awnings thus have a historic character that relates to the District. The awnings will be located over doorways that are not visible from Main Street. They are of an appropriate scale and color.

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 9th day of July, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval to make exterior alterations at the Subject Property, is **APPROVED**.

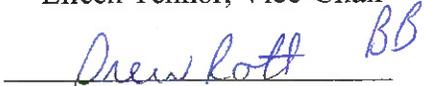
HOWARD COUNTY HISTORIC PRESERVATION COMMISSION



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
LISA WINGATE		
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
TO MAKE EXTERIOR ALTERATIONS	*	COMMISSION
(SOME RETROACTIVE) AT		
3880 ELLICOTT MILLS DRIVE	*	Case No. 20-39
ELLICOTT CITY, MARYLAND		
* * * * *		

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 June 4, 2020 to hear and consider the application of Lisa Wingate, (“Applicant”), a Certificate of Approval to make exterior alterations (some retroactive) at 3880 Ellicott Mills Drive, 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 June 4, 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

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 (HPC Case Nos. 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-20-08a and 20-08b in March 2020 was for the construction of a pool and the addition of other site features.

B. Proposed Improvements

The Applicant proposes new alterations, as well as changes to previously approved or withdrawn plans from 20-08a and 20-08b (from the March 2020 meeting, the application incorrectly states May 2020). While the application requests the D&O for 20-08a and 20-08b

be amended, this application will be treated as a new proposal and the previous D&O will not be amended.

The new work includes:

- 1) Install 13 new up-lights within the backyard pool enclosure. The spotlights will be anchored in the planting beds between the walls to provide subtle illumination of the upper stone wall at night. The spotlight will be Luxor NP ZDC with the finish Bronze BZ.
- 2) Install small retaining wall on lower patio (below the barn in the front of the property) to prevent erosion from washing into patio. The new wall will be installed perpendicular to the existing wall and will not exceed the height of the existing wall. The wall will diminish in height toward Main Street, the south side.
- 3) Install an 87-inch by 87-inch (7.25 feet by 7.25 feet) American Whirlpool Model #471 hot tub to be placed on the existing concrete pad. The hot tub will have wood and other brown tones. Install a 48-inch wide wood step to facilitate access and a cover in a neutral color.
- 4) Install a 24-inch wide stainless-steel utility wash and prep sink on legs against the east side of the previously approved shower enclosure shed. The sink will be screened with an Inkberry evergreen shrub and additional plantings will be added within the forest conservation area between the property and Ellicott Mills Drive.

The work proposed that relates to HPC-20-08a includes:

- 5) In March 2020, HPC-20-08a, the Applicant withdrew the request for Item 6 (kitchen porch step lights). The applicant now requests approval for this item, to install the

kitchen porch step lighting, to be centered in every other riser of the kitchen porch.

The light will be painted a powder coated white to match the step risers.

The changes to the work approved in HPC-20-08b includes:

- 1) The Applicant proposes to change the original proposed and approved location for the placement of two Kichler Ashland Bay carriage style light fixtures on the pergola, originally Item 21 in HPC-20-08b. The fixtures were originally to be placed on the inside posts of the pergola facing the pool (east). The applicant now proposes to install them facing the fireplace (west) on the posts closest to the pool.
- 2) The Applicant requests retroactive approval for changes to Item 13 from HPC-20-08b, the construction of double retaining walls on the west side of the property. The north end upper retaining wall was extended by an 11-foot long addition (diminishing in height) to hold back earth at the NW corner of the pool. The extension makes no changes in height (ranging from 26-inches to grade), and only lengthens the wall to transition with the existing grade. This wall extends from the east end of the previously approved wall. The wall will be constructed with the previously approved materials, consisting of Carderock stone and a natural stone cap.
- 3) The Applicant requests retroactive approval for changes to Item 13 from HPC-20-08b, the construction of double retaining walls on the west side of the property. The Applicant requests retroactive approval to add a 14-foot long retaining wall at the south end of the upper retaining wall. This wall will also diminish in height to transition with the grade of the land and will be constructed with Carderock stone and a natural stone cap.

- 4) For Item 12 from HPC-20-08b, on the existing retaining wall, the applicant proposes to replace the bullnose cap with bluestone.
- 5) For Item 13 from HPC-20-08b, the construction of new retaining walls (this is incorrectly labeled Item 12 in the application), the applicant proposes to change the capping material of the wall from Carderock stone to 16-inch wide bluestone. This bluestone cap will be used on the pergola piers for consistency.
- 6) For Item 15 from HPC-20-08b, the applicant proposes to install a third millstone on the new fireplace (the new fireplace was Item 14 from HPC-20-08b). This millstone will be centered on the fireplace, framed on either side by the previously approved millstones.
- 7) For Item 25 from HPC-20-08b, the applicant seeks approval for the anchoring method of the hot tub cedar posts to make them removable. This item was approved within HPC-20-08b and it is unclear if there are changes different from that discussed at the meeting.

C. Staff Report

New work:

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

- 1) *Chapter 9.E recommends, "choose and locate lighting fixtures to be visually unobtrusive. Use dark metal or a similar material."*
- 2) *Chapter 9.E recommends, "use freestanding lights that are no more than six feet high for individual residential properties."*
- 3) *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."*

Spotlights – The spotlights will be small, not visible from the public right-of-way and will be bronze. The new spotlights are intended to up light the stone retaining wall and not create glare on neighboring properties. The spotlights comply with the Guidelines.

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

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.”

Lower Patio Retaining Wall Extension – The new retaining wall extension will match the existing wall in material and height and complies with the Guidelines.

Hot Tub – The Guidelines do not address items such as hot tubs, however it will be located in the rear yard and not visible from the public right-of-way, although it will be visible from the neighboring property on the rear (Burgess Mill apartments). The hot tub will have brown and wood tones and will be neutral in color as a result. The Applicant was also approved for screening in HPC-20-08b.

Chapter 7: New Construction: Additions, Porches and Outbuildings

4) 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.”

Stainless Steel Utility Sink – The sink will be stainless steel, which is not a color that is consistent with the use of dark metals on the property. The applicant does propose to screen the sink with landscaping and install it next to the shower shed, however, it would not be common to find a modern outdoor sink next to an outbuilding, rather than inside the outbuilding. The HPC should determine whether the stainless-steel sink is appropriate in its material and location as it pertains to the guidelines.

Proposed work that relates to HPC-20-08a:

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

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

Kitchen Porch Step Lights – The frame house addition and attached porch (referred to kitchen 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. However, the addition of the white recessed step lights 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 white step lights would be unobtrusive, which complies with the Guidelines.

Changes to work previously approved in HPC-20-08b:

The installation location changes to the two Kichler Ashland Bay carriage style light fixtures on the pergola (originally Item 21 in HPC-20-08b) are minor and do not affect the historic structure or setting.

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

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

The extension of the retaining walls (originally Item 13 from HPC-20-08b) on the west side of the property utilizes the same construction materials as originally approved with Carderock walls, and as requested for alteration as detailed in this report to use a bluestone cap.

The proposal to replace the cap material on the existing retaining wall (originally Item 12 from HPC-20-08b) with a bluestone cap, and the proposal to change the lower of the double retaining wall caps (originally Item 13 from HPC-20-08b) to bluestone complies with the Guidelines, as the material is still a natural stone.

The additional millstone does not affect the historic structure or setting. Three other millstones have already been approved for use on the property in HPC-20-08a (on millstone at the driveway) and HPC-20-08b (originally Item 15 – two millstones approved the outdoor fireplace).

The cedar posts to hold the shower curtain screening (originally Item 25 from HPC-20-08b) was approved in HPC-20-08b for removable posts. The Guidelines do not address a scenario such as this, but this method is similar to installing a footer for a decking post and would not impact the view. A more common screening method would be to utilize an outdoor umbrella that tilts.

D. Staff Recommendation

Staff recommends the HPC determine whether the stainless-steel sink is appropriate in its material and location as it pertains to the guidelines. Staff recommends the HPC approve all other changes as submitted.

E. Testimony

Mr. Shad swore in Lisa Wingate. Ms. Wingate said the homeowner, Laura Steensen would be listening in on the call, but not testifying. Mr. Shad asked if Ms. Wingate had any

comments to add to the staff report. Ms. Wingate said the sink would be 24 inches wide and would be functional and utilitarian for the owner. Ms. Wingate said the sink would be extremely limited in visibility. The addition of the extra landscaping would make the sink invisible to everyone except someone who walks up to the sink. Ms. Wingate said the homeowner wants the stainless-steel sink as requested.

Ms. Tennor said she had no questions and that all of the numerous changes are small; no problem with adding an additional millstone, lights to kitchen steps, small stone wall additions are consistent with the rest of the site details. Ms. Tennor said it would appear that the visibility of the sink was very low. Ms. Tennor said the only other dark metal sink that would be particularly historic would be galvanized steel and it would not be appropriate.

Mr. Roth said he had no issue with the application.

Mr. Reich said all the changes are in keeping with the original application and follows the guidelines. Mr. Roth said he has no issues with the stainless-steel sink.

Ms. Zoren said the changes seem to fit with the rest of the landscape and while the stainless-steel sink is not a historic material, the durability is better than other materials.

Mr. Shad said he agreed with the other Commissioners, the proposals are fairly minor changes to what had been already presented to the Commission. Mr. Shad said he had no problems with any of the changes.

F. Motion

Mr. Roth moved to approve the application as submitted. 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 9 sets forth the relevant recommendations for Landscape and Site Elements 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 in the backyard of this historic home including the installation of a hot tub, new lighting, a small retaining wall, and a small metal sink, in addition to numerous minor changes to previously approved work. All of the work is in accord with the Guidelines, the area is not readily visible from the public way and the materials are appropriate for the setting. The hot tub is in natural tones, the lighting is small, shielded, and metal, and the retaining wall will match the existing. Although the small stainless-steel sink does not have a historical analogue, neither does the hot tub, but both are appropriate to the setting and location on this property, not readily visible from the public way.

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 9th day of July, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations (some retroactive) at the Subject Property, is **APPROVED**.

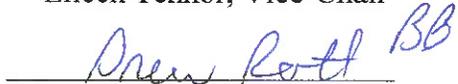
HOWARD COUNTY HISTORIC PRESERVATION COMMISSION



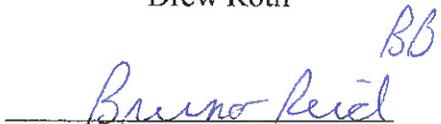
Allan Shad, Chair



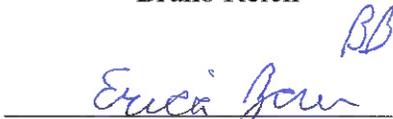
Eileen Tennor, Vice-Chair



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 HOWARD COUNTY		
DEPARTMENT OF PUBLIC WORKS	*	HISTORIC PRESERVATION
FOR A RETROACTIVE CERTIFICATE	*	COMMISSION
OF APPROVAL FOR THE EXTERIOR		
ALTERATIONS AT THE VICINITY OF	*	Case No. 20-40
3850 NEW CUT ROAD, 3812 NEW CUT		
ROAD TO 3776 ST. PAUL STREET	*	
ELLICOTT CITY, MARYLAND		

* * * * *

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 June 4, 2020 to hear and consider the application of Mark DeLuca, on behalf of the Howard County Department of Public Works, (“Applicant” or “DPW”), for a retroactive Certificate of Approval for tree removal in the vicinity of 3850 New Cut Road, 3812 New Cut Road to 3776 St. Paul 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 June 4, 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. There are no buildings on this site; only three remaining historic walls. The Howard County Department of Public Works previously submitted applications to remove trees and make other exterior alterations at this site in HPC 19-17 in May 2019, due to the road collapse from the 2018 flood.

B. Proposed Improvements

The Applicant seeks retroactive approval for the removal of four trees and an increase in the limit of disturbance of the scope of the project. The Applicant explains that the original application, HPC 19-17 "included the removal of 28 trees to facilitate the project. An inadvertent omission from the listing of 28 trees to be removed failed to identify two trees, which also were required to be removed, located within the project's approved limit of disturbance. At this time, one of the two trees has been removed; and DPW determined that it is no longer necessary to remove the other tree. DPW is requesting retroactive removal to

remove one tree (T-104).” Tree 104 is shown in the documents submitted within the application and was a Tulip Poplar with a DBH of 24.9 inches. The application states that removal of this tree was necessary for the installation of a water line, delivering potable water to properties in the area.

The application also explains that “during the course of the work, an unforeseen condition (slope failure) necessitated the immediate removal of three trees (T-94, T-95, T-97), and expansion of the original limit of disturbance. The trees were removed by the Contractor, as the Contractor felt immediate action was necessary to preclude the possibility of further slope failure.” The original tree survey states that Tree 94 was a 16-inch Black Locust in fair condition; Tree 95 was a 27-inch Black Locust in fair condition; and Tree 97 was a 16.4-inch American Sycamore in fair condition.

C. Staff Report

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

- 1) *Chapter 9.B explains, “Ellicott City's natural setting is essential to its character. In projects that involve grading land, clearing vegetation or building new structures, care should be taken to protect and enhance natural features, views of important natural features, and the environmental setting of historic buildings. The Historic Preservation Commission will review the impact of such proposals on the historic setting of Ellicott City and particularly on the relationship of historic buildings to their sites.”*
- 2) *Chapter 9.A recommends, “Maintain and reinforce natural landscape elements, such as rock outcroppings, water courses and tree lines. Make views of natural elements, especially the Patapsco River and its tributaries, available to the public where possible. Provide walkways, sitting areas and casual stopping spots in parks, plazas, and other areas open to the public.”*
- 3) *Chapter 9.B recommends, “Retain mature trees and shrubs. Provide for their replacement when necessary.”*
- 4) *Chapter 9.B recommends against:*
 - a. *“The removal of live, mature trees, unless it is necessary due to disease or to prevent damage to historic structures.”*
 - b. *“Extensive clearing for new construction that can be accommodated by more limited removal of vegetation.”*
- 5) *Chapter 9.B states the following requires approval: “Removing live trees with a diameter of 12 inches or greater 4.5 feet above ground level.”*

It appears that T-104 was included on the original documents provided to the HPC in case 19-17 but was not highlighted along with the other trees to be removed, and in fact, was an omission. The documents submitted with the application do not reference replacing the trees.

D. Staff Recommendation

Staff recommends the HPC determine if the application complies with the Guidelines and approve or deny accordingly.

E. Testimony

Mr. Shad swore in Mark DeLuca from the Department of Public Works. Mr. Shad asked if Mr. DeLuca had anything to add to staff comments or report. Mr. DeLuca said he did not have anything to add.

Ms. Tennor said that it was her understanding the terrain was partially still in motion when DPW was trying to stabilize the infrastructure and decide what trees needed to come out causing a shifting in the ground DPW had not anticipated.

Mr. DeLuca said that was true for three trees, but the request is for two different issues that DPW wanted to handle together. The project required that they replace a water line that ran perpendicular to the stream. There were two trees on the original plan (HPC 19-17) that were to be removed, but the exhibits in HPC 19-17 accidentally omitted those trees. The original request was the approval for the removal of 28 trees, but two of the trees were missing from the request for approval. DPW was not aware of the omission until all the trees were counted against the exhibit and DPW realized one tree was missed and they needed to come back for approval. He said it was Tree 103 or 104 that was missed on the original submission (the application states it was Tree 104).

Mr. DeLuca said the second issue was found on May 13. DPW found out there was an active slope failure and the contractor could not construct the wall the way they wanted to. Mr. DeLuca referred to supplemental information, the left-hand side photo shows area of slope failure. The plan was to work from the bottom of the slope and drop it back, make it flatter, to put the caissons in the base. One of the ways to make it safe was to cut a bench (shown on the exhibit as a yellow rectangle going across the slope). DPW staff noticed trees were removed and saw three trees removed that were about 12 inches. DPW amended the May 13 application to include the three trees that were removed. Mr. DeLuca said the contractors was afraid the trees would fall down and any equipment put down there would be damaged by the trees. Mr. DeLuca said the contractors had an opportunity to tell DPW what they were going to do with the trees but didn't which is why DPW applied for the retroactive approval.

Ms. Tennor said it was quite a slope and she had no further questions.

Mr. Roth said he thought it was okay and made some observations. Mr. Roth asked Mr. DeLuca if tree 103 and 104 were only one or two feet apart. Mr. DeLuca said they could be about 3 to 5 feet apart. Mr. Roth said the trees appear to be very close together, and explained over time Tulip Poplars get very big and taking one out is not a bad thing to do, as it helps them to grow better. Mr. Roth said the other trees were black locust, which are not native to Maryland. Mr. Reich thanked DPW for documenting the application so precisely, and stated he had no concerns.

Ms. Zoren thanked Mr. DeLuca for his documentation and asked that in the future to come to Commission before taking down trees.

Mr. Shad asked if the hill was starting to fail before the trees were removed. Mr. DeLuca said the photo shows a new slope failure, the slope is very loose. He explained that

once the failure started, it started to work its way to the top. Mr. Shad asked if Mr. DeLuca thought this was in the process before the trees were removed. Mr. DeLuca said yes. Mr. DeLuca also explained that at the May 2019 meeting, DPW didn't have a tree plan to show. Mr. DeLuca submitted a supplemental tree plan, to show what trees are being planted.

F. Motion

Ms. Tennor moved to approve the application as submitted, in compliance with the guidelines. 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 9 sets forth the relevant recommendations for Landscape and Site Elements 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.

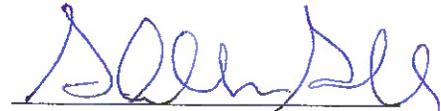
The Applicant seeks retroactive approval for the removal of four trees. One of the trees was inadvertently omitted from the Applicant's prior case, HPC 19-17 and is approved for the reasons stated therein. As to the other three trees, they were removed during a significant public infrastructure project, meant to address flooding in the Historic District, because of an active slope failure. Given the need to stabilize the slope and considering that only one of the trees is a species native to Maryland, the tree removal is in accord with the Guidelines, and the Code.

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.

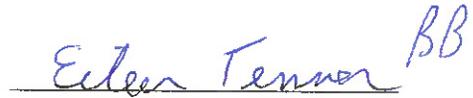
ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 9 day of July, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for the retroactive exterior alterations at the Subject Property, is **APPROVED**.

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



Allan Shad, Chair



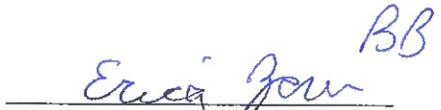
Eileen Tennor, Vice-Chair



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
DONALD R. REUWER JR.		
FOR A RETROACTIVE CERTIFICATE	*	HISTORIC PRESERVATION
OF APPROVAL FOR EXTERIOR		
ALTERATIONS AT	*	COMMISSION
8407 MAIN STREET		
ELLICOTT CITY, MARYLAND	*	Case No. 20-42
* * * * *		

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 June 4, 2020 to hear and consider the application of Donald R. Reuwer Jr., (“Applicant”), for a retroactive Certificate of Approval for exterior alterations at 8407 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 June 4, 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 2001. This is not the date that the primary structure was built. It reflects when a second floor was added and the entire exterior was altered with the addition of the brick veneer, storefront windows and doors. According to Joetta Cramm's book, *Historic Ellicott City, A Walking Tour*, Martin's blacksmith shop once stood at this location, but was torn down, and in the 1930s Charley Miller of Miller Chevrolet built a gas station; later Dick Wall had a garage here. The building was reportedly later used as storage in the 1960s for the Ellicott City Fire Station across the street at 8390 Main Street. In 1980 the three-bay single story concrete block gas station/garage existed in its most likely original condition as documented in an "Inventory of Buildings – Ellicott City" report by Kamstra, Dickerson & Associate. The 1980 report notes the distinguishing architectural details on the former gas station were "1930s Spanish tile applied gas station fake facade

roof detail. Roof was plain built-up type behind parapets.” The report notes the building was considered a “Non-Contributing Structure.”

In July 1999 (case HDC-99-31) the current owner applied to the Commission to add the second story and renovate the entire building. The Staff report at that time recommended approval of the alterations, noting the building had “negligible historic value.” The renovated building with the second floor has been altered since it’s 1999-2001 construction recently with the painting of the brick and alteration of front doors. The painting and alterations of the doors was approved through the Minor Alterations process (MA-18-13 for the doors and MA-18-20 for the painting) due to the fact that the building was not considered historic.

B. Proposed Improvements

The Applicant installed a mural that was painted on two 4x8 sheets of plywood, which were attached to the exterior of the front of the building. The mural consists of six dogs and one cat. The mural is located on the front wall of the building, outside of the retail space for Canine Clippers Café. The application states that the artwork is designed for tourist enjoyment.

C. Staff Report

Chapter 11.B.9: Signs, Commercial Buildings, Wall Murals

- 1) *Chapter 11.B.9 explains, “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 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.”*

As the mural does not identify a business, it would not be considered a sign. However, the mural of dogs and cats does directly relate to the business, which is a pet food and supply store.

The artwork was well executed and has not been painted directly on the building. In this case, the brick façade is not historic and the brick has been painted as well. The mural is located on the edge of the building, and there are parking spaces that block the view of the mural to some extent, when filled with cars.

D. Staff Recommendation

Staff recommends the HPC determine if the mural complies with the Guideline recommendations and approve, modify or deny accordingly.

E. Testimony

Mr. Shad swore in Don Reuwer. Mr. Shad asked if Mr. Reuwer had anything to add to the staff report. Mr. Reuwer said he wanted to do something whimsical after the 2018 flood. Mr. Reuwer said he hired the same artist who did the mural on the Reedy building. Mr. Reuwer said the mural was completed for the visitors to have fun with, it was painted on plywood and could easily be removed as it is screwed into brick. He said it was done as a temporary nature and could be taken down at any time.

Ms. Tennor discussed that the Commission was being asked to approve another mural after the fact. Ms. Tennor agreed that the mural was whimsical. She said if there was one single “woof” or “meow” on the panel it would be a second sign for the business in the building. It just barely makes it not a sign. Ms. Tennor agreed with Mr. Reich’s previous comment, the Commission spent a lot of time reviewing areas for other murals and now there were two murals that the Commission did not have a chance to review before the fact.

Mr. Reich said the Commission went through a year-long process for the murals that were approved and they were careful where the murals were located, what they would depict and the colors that would be deployed. Mr. Reich said the blue background takes away about 2/3 of the painting which was good. He said the Commission would not have approved putting the mural on the face of the building. Mr. Reich noted that there was no significance to the mural, it was a whimsical piece of art. He said the Commission has approved whimsical art before on a time frame basis, like the eggplant by the Post Office. Mr. Reich said if they approve it, there should be a timeframe on it and then they review it again after that timeframe. Mr. Reich asked what the other Commissioners thought.

Ms. Zoren said there have been a lot of retroactive approval requests. She said the one thing this application did not have in common with the other requests was that this request fronts directly on Main Street. The other requests were on a side wall and not on Main Street. She said this application would set a precedent for Main Street. She said the Phoenix was on an alley. She said the Commission has never approved a mural on the front of a building.

Mr. Shad shared his concern with being asked to approve applications retroactively. Because this mural was painted on plywood and attached to the wall, it is something that could easily be removed. Mr. Shad asked why the mural was installed before it was approved. Mr. Reuwer said that right after the flood everyone was depressed, and he wanted to do something whimsical. Mr. Reuwer had planned on taking it down before the meeting, but it was suggested that he submit for a retroactive approval. Mr. Reuwer said he owns another location in Clarksville and that tenant would love to have the mural. He said people in Ellicott City like the mural and will not be happy about it being removed. Mr. Reuwer said that was the Commission's call he did not care one way or another.

Mr. Reich said he did not think the Commission would have approved the mural request if it had come before them under normal circumstances. He said that if it was a sign on Main Street, they would have said no, that it was too big and had too many colors. If someone had put this in their storefront, they would have said no. If someone had painted something on plywood and attached it on the front of a building, they would have said no. Mr. Reich said that if the mural had come before them beforehand, they probably would have said no, there are too many paintings in Ellicott City that are not going through the vetting process, not in keeping with the façade or any of the Guidelines that the Commission upholds.

F. Motion

Mr. Reich moved to deny the application as submitted. Ms. Tennor seconded. The motion passed 4 – 1 with Mr. Roth in opposition to the denial.

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 seeks retroactive approval for a mural/sign painted on plywood sheets and mounted on a building in the District that dates to the 1930s. Although its façade is reminiscent of the gas station/garage that once occupied the building, the building has been remodeled. The building is now occupied by a pet store and it is in service of this business that the mural was installed, such that the mural verges on being a sign. The mural/sign is located on the primary façade of the building facing Main Street and Ellicott Mills Drive. Despite the Applicant's significant involvement in the Historic District, the mural/sign was installed without obtaining a Certificate of Approval.

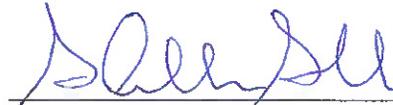
The proposed mural/sign is not in keeping with the Guidelines, or the Commission's recent decisions on murals in the Historic District. HPC Case Nos. 19-32, 19-33, 20-37. The mural/sign is essentially an advertisement. Although well executed and certainly whimsical, whimsy is not a contributing characteristic of the historic or architectural value of the District. In addition, unlike other recently approved murals, which have themes compatible with the historicity of the District, the proposed mural/sign has an advertising theme and functions as a sign. The building already has a sign and the mural/sign does not comply with Guideline recommendations on signs including those on size, scale, and the number of colors. Also distinguishing the proposed mural/sign from previously approved murals is its location on the primary façade of the building at an intersection, where it is prominently displayed. There is no support in the Guidelines for such a mural/sign. It is contrary to the Guidelines and would set a precedent that would negatively impact the historic and architectural value of 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 impair the historic and architectural value of the surrounding area. The application does not comply 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 9 day of July, 2020, **ORDERED**, that the Applicant's request for a retroactive Certificate of Approval for exterior alterations at the Subject Property, is **DENIED**.

HOWARD COUNTY HISTORIC PRESERVATION COMMISSION



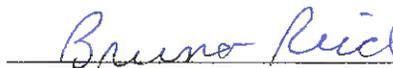
Allan Shad, Chair

 BB

Eileen Tennor, Vice-Chair

OPPOSED

Drew Roth

 BB

Bruno Reich

 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
VERONICA DANIEL

* BEFORE THE
* HOWARD COUNTY

FOR A RETROACTIVE CERTIFICATE
OF APPROVAL TO INSTALL A
SIGN AT 8407 MAIN STREET
ELLICOTT CITY, MARYLAND

* HISTORIC PRESERVATION
* COMMISSION

* Case No. 20-43

* * * * *

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 June 4, 2020 to hear and consider the application of Veronica Daniel, (“Applicant”), a Certificate of Approval to install a sign at 8407 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 June 4, 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 building is located in the Ellicott City Historic District. According to SDAT and HPC records, the second floor of the building was constructed over an existing 1940s garage in 2001 and the entire exterior renovated as a result.

While the application is currently before the Commission for retroactive approval, it was submitted prior to the alteration taking place as part of the television show that recently filmed in Ellicott City. Due to the "surprise" nature of the show, it was also unknown at the time if the business owner would want to keep the improvement, as she was unaware it was taking place. This application could not be processed until the mural, which was installed without approval, was submitted to the Commission and approved.

B. Proposed Improvements

The Applicant requests a retroactive Certificate of Approval to install a blade sign on the front of the building at 8407 Main Street. The sign is located above the door at the entrance to the business, which is located on the lower left side (if looking at the building). The sign is

24-inches high by 32-inches wide for a total of 5.59 square feet. The sign is shaped like an oval, with a navy-blue background, a red border and gold/yellow text and graphic of a dog. The sign is an HDU (high density urethane) sign that is routed around the text and graphics. The sign will read on four lines:

CLIPPER'S
(silhouette graphic of a dog)
Pet Food &
Supplies

The sign replaces the large vinyl banner that was serving as a sign in lieu of permanent signage.

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 on the face of the sign."*

The sign complies with above stated Guidelines. The sign used simple, legible words and graphics and contains the name of the business, with the brief tagline "Pet Food and Supplies" in order to clarify the nature of the business.

Chapter 11.A: Signs, General Guidelines

- 2) Chapter 11.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 colors used in the sign (navy, red and gold) coordinate, and do not clash with, with the blue color of 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. Select hardware that blends with the style of the sign and is neither flimsy nor excessively bulky."*

The sign is constructed from high density urethane (HDU), which is comparable to wood in appearance, such as its ability to be carved, routed and painted; and in dimension, as it has a thickness comparable to a carved wood sign. The sign complies with this guideline.

Chapter 11.B: Signs, Commercial Buildings

- 4) *Chapter 11.B recommends, "Limit the sign area to be in scale with the building. Projecting or hanging signs of four to six square feet are appropriate for many of Ellicott City's small, attached commercial buildings."*

The sign complies with the above stated guideline as it will be 5.59 square feet, within the recommended range.

Chapter 11.B: Signs, Commercial Buildings

- 5) *Chapter 11.B recommends against, "Extending the sign vertically above the window sill of the second story of the structure." The Guidelines explain, "in general, signs should not be mounted on an upper story, where they have limited visibility and can easily create the appearance of clutter and excessive signage. Limiting signs to the first floor helps in maintaining a visual boundary between the storefront and upper story facades."*

Generally, the Guideline makes sense to limit signs to the first floor of the building. However, due to the design of this building, there is no clear area on the first floor that would serve to hold signage. Additionally, because the building is set back from the street, the location of the sign seems to be the best for visibility.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted.

E. Testimony

Mr. Reuwer was previously sworn in. Mr. Reuwer clarified that he did not have anything to do with the request but that he owns the building and he likes the sign.

Mr. Roth asked who the owner of the business was. Mr. Reuwer said Kate Bowman was the owner of the business. Ms. Burgess said this would be the official last retroactive approval with the reality TV show associated with Gordon Ramsay, on whose behalf the application was brought. Ms. Holmes added there was a banner on the building for quite some time and it was replaced with this sign. Ms. Holmes said the sign was an improvement.

Mr. Roth asked if the Commission denied the sign, who would incur the cost of removing the sign. Mr. Roth said Ms. Bowman was not here and the Commission does not know if Ms. Bowman knows about the sign. Mr. Reuwer said Ms. Bowman knew about the sign and she approved it and worked with the production crew to put it up. Mr. Reuwer said there are pictures of Ms. Bowman putting the sign up and she was quite excited about it.

Ms. Burgess said Ms. Bowman was aware the application was being heard. Mr. Reich said he thought the application should be tabled until next month when the business owner could be present to answer questions. Ms. Burgess said the business owner was not the Applicant so the Commission could not make her attend the meeting. Ms. Holmes said Veronica Daniel was the applicant. Ms. Holmes asked if the Commission knew what questions were going to be asked of Ms. Bowman, that would be the reason for the delaying the application a month. Ms. Tennor concurred with Ms. Holmes question.

F. Motion

Ms. Tennor moved to approve the sign, as it meets the guidelines. Mr. Roth seconded. The motion passed 4 -1, with Mr. Shad in opposition.

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 seeks retroactive approval for a sign that was installed as part of a television show focused on improvements to Historic Main Street.¹ Due to an abbreviated timeline and the secret nature of the show's "reveal," the Applicant was not aware of the mural, until after it was placed on the Property.

The sign is an improvement on the banner it replaces, it also complies with Guideline recommendations on size, color, and simplicity. The sign is located above the door at the entrance to the business and is 24-inches high by 32-inches wide for a total of 5.59 square feet, which is within Guideline recommendations. The sign is of a material that is commonly approved and is only three colors with minimal text. Although the sign is mounted higher than typical, the location is appropriate for the building's façade.

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.

¹ See, Ana Faguy, "What we learned from watching Gordon Ramsay make over Ellicott City in '24 Hours to Hell and Back,'" Baltimore Sun (May 13, 2020).

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 9th day of July, 2020, **ORDERED**, that the Applicant's request for a retroactive Certificate of Approval to install a sign at the Subject Property, is **APPROVED**.

HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

OPPOSED

Allan Shad, Chair

Eileen Tennor ^{BB}

Eileen Tennor, Vice-Chair

Drew Roth ^{BB}

Drew Roth

Bruno Reich ^{BB}

Bruno Reich

Erica Zoren ^{BB}

Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW

L. Taylor

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 R. REUWER, JR.

* BEFORE THE
* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL
FOR EXTERIOR ALTERATIONS
MADE TO 8086, 8090-8092, 8192,
8137, 8307 MAIN STREET
ELLICOTT CITY, MARYLAND

* HISTORIC PRESERVATION
* COMMISSION
* Case No. 20-44

* * * * *

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 June 4, 2020 to hear and consider the application of Donald R. Reuwer, Jr., (“Applicant”), for a Certificate of Approval for exterior alterations made to 8086, 8090-8092, 8129, 8137, 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 June 4, 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

These properties are all located in the Ellicott City Historic District. According to SDAT, the properties have the following dates of construction: 8086 Main Street circa 1890, 8090-8092 Main Street circa 1890, 8129 Main Street circa 1900, 8137 Main Street circa 1906 and 8307 Main Street circa 1930.

All of these properties were significantly damaged in the 2016 and 2018 floods, resulting in damage or destruction to the doors. If any of the doors were original or historic, they were destroyed in the 2016 flood, so any replacements made after the 2018 flood were not of original or older historic doors.

B. Proposed Improvements

The Applicant seeks retroactive approval for the installation of doors at to 8086, 8090-8092, 8129, 8137, 8307 Main Street after the 2018 flood. The previously existing doors were wood doors and the new doors are metal, all colors match the previously existing. The new metal doors are intended to be more flood resistant (not flood-proof), than the previously

existing doors. Photos are included below, when possible, to show that the doors replaced after the 2018 flood had already been destroyed by the 2016 flood.

8086 Main Street

The previously existing wood doors on 8086 Main Street were first destroyed in the 2016 flood and new doors were installed, replicating the door paneling details prior to the flood. These doors were then destroyed in the 2018 flood. The current doors, installed after the 2018 flood, are metal doors, with a similar $\frac{3}{4}$ light arrangement, but lack the previously existing panel detail.

8090-8092 Main Street

The door on this building was not historic. The previously existing door was a full light wood door and was destroyed in the 2016 flood. The door that was installed after the 2016 flood, was then destroyed in the 2018 flood. The current door is a metal door, with a $\frac{3}{4}$ light configuration, to better protect from potential rising flood water and debris.

8129 Main Street

The previously existing door (prior to the 2016 flood) at this location was a full light wood door. The current door is a full light metal door, with a wider metal frame around the glass than the previous wood door.

8137 Main Street

Google Street view imagery is not clear enough to determine what the doors were prior to the 2016 flood and staff is working remotely without access to the paper files. However, the door that existed prior to the 2016 flood, was destroyed in that flood. The doors were damaged/destroyed again the 2018 flood, after which the applicant installed the $\frac{3}{4}$ light metal doors, painted black to match the previously existing color.

8307 Main Street

Four doors at 8307 Main Street were replaced with the metal doors following the 2018 flood.

It is unclear which ones were actually damaged or destroyed in the flood.

C. Staff Report

Chapter 6.G: Rehabilitation and Maintenance of Existing Buildings; Entrances

- 1) *Chapter 6.G explains, "Historically, most Ellicott City doors were painted, paneled wood. Six-panel and eight-panel doors were used during the early period. In the Victorian era, four-panel, arched doors were common. Typical commercial doors from the late 19th and early 20th century were paneled wood with glass panes in the top half. These doors remain common in the commercial area of the historic district, although modern metal and glass doors are also found."*
- 2) *Chapter 6.G states, "When a new door is needed, it should reflect the character of the original door. Simple paneled doors of wood or wood and glass are usually best, but metal doors with an appropriate style and finish can convey a similar appearance."*
- 3) *Chapter 6.G recommends, "When repair is not possible, replace historic doors and entrance features with features of the same size, style and finish."*
- 4) *Chapter 6.G recommends, "Replace inappropriate modern doors with doors of an appropriate style. If documentary evidence of the original door is available, choose a new door similar to the original. Otherwise, use a door appropriate to the period and style of the building."*

The application generally complies with the Guidelines. In most instances the doors were not original, even prior to the floods. The intent of these replacement doors was to be able to better withstand flood water and debris, as this was the second time these doors were damaged or destroyed in a flood. The doors at 8086 Main Street had a panel detail below the window opening on the door. This panel detail was not continued with the metal door. The doors at 8090-8092, 8129 and 8137 appeared to be full light wood replacement doors prior the flood and were replaced with full light to ¾ light metal doors after the 2018 flood. The change to a ¾ light door in some instances will assist in better protection from potential flood water and debris.

Four sets of doors at 8307 Main Street were replaced. While the doors facing Main Street and the parking lot were most likely affected by flood water, it is unclear why the doors

on the side entrance along Forrest Street were replaced, as they sit at a higher elevation than the other doors. The previous door style at these locations is unknown.

D. Staff Recommendation

Staff recommends the HPC determine if the various replacement doors comply with the Guideline recommendations, and approve, modify or deny accordingly.

E. Testimony

Mr. Reuwer was previously sworn in. Mr. Shad asked if Mr. Reuwer had anything to add to the staff report. Mr. Reuwer said after the floods he was trying to put the buildings back together as fast as he could. The wood doors did not work. The doors Mr. Reuwer put up were flood resistant, not flood proof. Mr. Reuwer ordered the new doors to look as close to the previous doors as possible. Ms. Holmes said the Commission had approved this type of door on other buildings.

Ms. Tennor said the Commission has approved metal doors, and the new doors look like the old doors the Applicant replaced. Ms. Tennor said her only issue was the doors were installed without approval from the Commission. She said that had the application come before the Commission prior to the work being done, the Commission could have been expedited the request. Ms. Tennor said she did not have a problem with the doors being installed, only the sequence of events.

Mr. Roth said the Commission was looking at a retroactive Certificate of Approval and a tax credit for something the Applicant did retroactively. The Commission and Staff discussed procedures for the assessment tax credit applications, to be heard later that evening. Mr. Roth said he was okay with the request.

Mr. Reich said the doors look good and explained how the construction will provide protection for the building. The doors look like the Applicants was trying to match what was there previously.

Mr. Reuwer said he tried to match the doors as close as possible. The doors were destroyed both in the 2016 and 2018 floods, and the original doors were impossible to match. Mr. Reich said the doors come pretty close except for the wider rail and the piece of metal on the bottom of the door for protection. Mr. Reich asked if 8137 Main Street had a full glass door. Mr. Reuwer said 8137 had a full glass door. Mr. Reich said he thinks the doors turned out well.

Ms. Zoren said the doors are okay as submitted.

Mr. Shad said the doors are pretty close to the style that was previously there.

F. Motion

Mr. Reich moved to approve the application as submitted. 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 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 approval for the replacement of doors at five historic properties in the District. All of the properties suffered significant damage in the floods of 2016 and 2018, including the loss of doors. None of the doors used since 2016 were original, or historic. The replacement doors are meant for the protection of the historic buildings from flood waters. There are of a design similar to what existed before the floods and do not unduly detract from the historic or architectural appearance of the properties.

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.

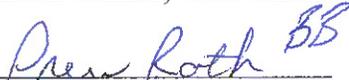
ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 9th day of July, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED**.

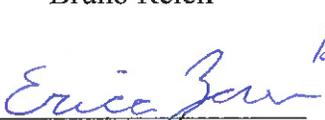
HOWARD COUNTY HISTORIC PRESERVATION COMMISSION


Allan Shad, Chair

 ^{BB}
Eileen Tennor, Vice-Chair

 ^{BB}
Drew Roth

 ^{BB}
Bruno Reich

 ^{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
DONALD R. REUWER, JR.

* BEFORE THE
* HOWARD COUNTY

FOR A RETROACTIVE CERTIFICATE
OF APPROVAL FOR EXTERIOR
ALTERATIONS MADE TO
8390 MAIN STREET
ELLICOTT CITY, MARYLAND

* HISTORIC PRESERVATION
* COMMISSION
* Case No. 20-45

* * * * *

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 June 4, 2020 to hear and consider the application of Donald R. Reuwer, Jr., (“Applicant”), for a retroactive Certificate of Approval for exterior alterations made to 8390 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 June 4, 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 1938-1939.

The application explains that the basement of this building was flooded in the 2016 and 2018 floods.

B. Proposed Improvements

The Applicant seeks retroactive approval for filling in the basement door and window openings with stone. This work was done after the 2018 flood, as an emergency measure to protect the building in future flood events. The work was done by the same contractor who filled in the basement openings at Tersiguel's.

C. Staff Report

Chapter 6.G: Rehabilitation and Maintenance of Existing Buildings; Entrances

- 1) Chapter 6.G recommends against, "Changing the size of door openings; blocking or filling door openings, transoms or sidelights."*
- 2) Chapter 6.G recommends, "Restore doorways, transoms or sidelights that have been filled in, using physical, pictorial or documentary evidence to accurately restore the building's historic appearance."*

Chapter 6.H: Rehabilitation and Maintenance of Existing Buildings; Windows

- 1) *Chapter 6.H recommends against, “Removing, adding or altering a window opening on a building’s primary façade or in any location where it affects historic features key to the building’s character.”*
- 2) *Chapter 6.H recommends, “Restore window openings that have been filled in, using physical, pictorial or documentary evidence to accurately restore the building’s historic appearance.”*

The door and window openings were filled in as a method to flood proof the building. The former openings are not located on the front façade of the building but are located on the rear of the building. This side of the building abuts the stream channel, directly next to a large culvert opening. This building is also located next to the Parking Lot F, which was damaged significantly in the 2018 flood, with the destruction of Ellicott Mills Drive and the historic stone court house building.

The openings were filled in using stone, a common historic building material in the district, in a manner that makes it clear where the opening previously existed. As a result, it would be easy to restore the openings in the event that flood mitigation removes the risk from this side of the building.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted.

E. Testimony

Mr. Reuwer was previously sworn in. Mr. Shad asked if Mr. Reuwer had anything to add to staff comments. Mr. Reuwer explained that after the 2016 flood the public was pretty optimistic in Ellicott City, but after the 2018 flood the tenants of this building wanted to leave. Mr. Reuwer said that he and his team had to act in order to make the tenants feel safe. Mr. Reuwer decided to close up the windows to keep the tenants. Mr. Reuwer apologized for not getting approval from the Commission prior.

Ms. Tennor and Mr. Roth did not have any questions or comments about the application.

Mr. Reich asked if the windows of the buildings were taken out and filled with stone. Ms. Holmes confirmed that Mr. Reich was correct. Mr. Reich said window replacement with stonework needed to be done all over town. Mr. Reich noted the Commission had seen applications such as this application previously. The stone matched as close as possible to what was originally on the building and old window opening remains there as an architectural feature.

Ms. Zoren said she agreed with Mr. Reich and appreciated that the applicants kept the header and matched the stone as much as possible. Ms. Zoren reiterated to the Applicant to put an application in before completing any work, especially work that would be hard to remove.

Mr. Shad said he echoed the same sentiments as the rest of the Commission members. Mr. Shad reminded the Applicant that the Commission has bent over backwards to accommodate applicants after the flood with additional meetings and the Minor Alteration process.

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 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 filling in ground level windows with stone. Unfortunately, this application was not submitted until after the work was completed. The work, however, comports with Guideline recommendations.

As with other properties damaged in the 2016 and 2018 floods, this work is proposed to reduce the flooding in the interior of the historic building, which will aid in its preservation. The building abuts the stream channel, directly next to a large culvert opening. This building is also located next to the Parking Lot F, which was damaged significantly in the 2018 flood, with the destruction of Ellicott Mills Drive and the historic stone court house building.

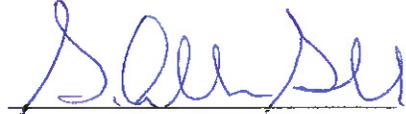
The former window openings are located on the rear of the building, not the primary facade. The openings were filled in using stone, a common historic building material in the District, in a manner that makes it clear where the opening previously existed. As a result, it would be easy to restore the openings if possible in the future. Similar work has been approved at other locations in 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.

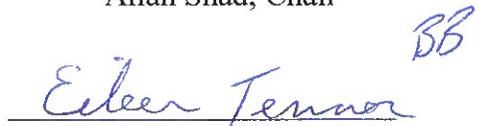
ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 9 day of July, 2020, **ORDERED**, that the Applicant's request for a retroactive Certificate of Approval for exterior alterations made to the Subject Property, is **APPROVED**.

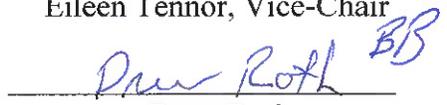
**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



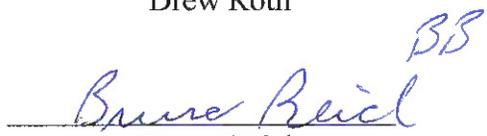
Allan Shad, Chair



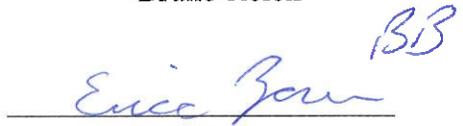
Eileen Tennor, Vice-Chair



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.