

IN THE MATTER OF	*	BEFORE THE
THE APPLICATIONS OF	*	HOWARD COUNTY
ERIKA YOKUM		
FOR CERTIFICATES OF APPROVAL	*	HISTORIC PRESERVATION
TO INSTALL SIGNS AT		
3700 AND 3701 MILL CREEK WAY	*	COMMISSION
ELLCOTT CITY, MARYLAND		
	*	Case Nos. 25-45a and 25-45b

\* \* \* \* \*

**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 December 4, 2025, to hear and consider the two related applications of Erika Yokum (“Applicant”), for Certificates of Approval to install signs at 3700 and 3701 Mill Creek Way, Ellicott City, Maryland (collectively, the “Subject Property”). As both applications relate to the same general property and project, the two applications have been consolidated for the purpose of the hearing and the Commission’s decision.

The Commission members present were Julianne Danna, Ben Barlow, Ellen Flynn Giles, Cathy Allen, 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 applications for Certificate of Approval for Case No. HPC-25-45a (the “Community Sign Application”) and Case No. HPC-25-45b (the “Sales Center Sign Application”) and associated records on file with the Commission (collectively, the “Applications”); (4) the Agenda for the December 4,

2025 Commission meeting (the “Agenda”); (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 THE PROCEEDINGS**

Ms. Samantha Holmes, Staff to the Commission, presented the Applications, 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 Applications were provided to each Commission member and reviewed with the Commission by Ms. Holmes. The Applicant represented herself at the hearing. As noted above, the Applications were consolidated for the purpose of hearing and the Commission’s decision.

#### **I. TESTIMONY**

Ms. Danna swore in Erica Yoakum and Ed Levendusky from Caruso Homes. The Applicants did not have anything to add or correct and did not have a presentation.

Ms. Flynn Giles said she was trying to figure out where the proposals fit within the Guidelines, but that the signs exceed the dimensions for all recommendations for commercial and other signage. Ms. Flynn Giles asked why the signs needed to be this size. Ms. Yoakum said the 5’x10’ signage was the industry standard for signage used for new developments. Mr. Barlow agreed with Ms. Flynn Giles, that the sign is outside the parameters for signage in the Guidelines. He said one catch all in the Guidelines that seems to fit are Temporary and Minor Structures, which can be up for less than a year. Ms. Allen did not have any questions.

Ms. Zoren said the Applications specified the timeframe as three months after the last house sold and asked why. Ms. Yoakum said the timeframe is just in case something falls through and once construction starts, they can take down the signs. Ms. Danna asked what timeframe is reasonable to expect the homes to sell right now. Ms. Yoakum said their goal is to open up for sales in March and be sold within 11 to 12 months.

Once all testimony was finished, the Commission entered deliberations.

## **II. COMMISSION DELIBERATIONS**

The Commission deliberated on the proposed signs. Ms. Allen said the discussions and questions made clear that the Guidelines for signage and temporary structures do not fit into these signs. She said the intent is the signs will be temporary and everyone is familiar with development signs and the timeframe is unknown. Ms. Allen found that Chapter 9, Temporary and Minor Structures, was applicable, meaning that a Certificate of Approval was arguably not necessary. Ms. Flynn Giles concurred with finding the signs to be a Temporary and Minor Structure. Ms. Zoren said that even if the signs are temporary, they should still fit with Guidelines.

The Commission discussed the signs as temporary and minor structures. Ms. Danna said there are Guidelines for freestanding signs and temporary real estate signs. Ms. Zoren agreed with calling the signs a temporary structure, the intent is temporary and there are no plans to keep the signs around further. Ms. Zoren was concerned with the size and said the Commission had denied smaller freestanding signs. Ms. Zoren said the text on the signs should read “historic” instead of “historical”.

Mr. Barlow concurred with Ms. Zoren. He discussed recent cases, stating his concern for setting a precedent and expressed concern with consistency on other signs. Ms. Danna was concerned about approving an open, no-limit timeframe, since the timeframe to sell all the houses was unknown.

The Commission discussed the size of the signs. Mr. Barlow said that having two signs the size of the smaller Sales Center sign may be appropriate. Ms. Allen said the size of the Sales Center sign was fine as it is smaller and located inside the construction area of the development. She said the sign was a temporary sign and she would not review it the same as a business sign or marketing opportunity. Ms. Allen recommended the overall size and height of the Community Sign should be reduced, any unnecessary language removed, and if any of the open space under the sign can be used. Ms. Allen reiterated that the community sign was temporary and it was hard to review the sign as the same as the other business signs in the Guidelines. Ms. Allen said there was a need for temporary sign guidelines. Ms. Allen recommended reducing the height of the sign by 2 feet to bring it below a second story level and approve the installation for approximately one year.

Mr. Levendusky offered to reduce the size of the Community Sign to 4'x8', lowered to 2 ½' off the ground to keep below 11' in height versus 14'proposed. He said they can review the signs to reduce the language. He said that they do not want to get into a situation where they have to install 13 temporary signs for each lot. He explained that although banners are temporary, they do not last and they would prefer not to use a banner.

Ms. Flynn Giles said 11 feet would be in the one-story mark as recommended by the Guidelines and asked if the Commissioners would like to approve the signs for 1 year. The Commissioners were largely approving of the proposed amendments.

Ms. Danna then asked the Applicants if they wanted to amend the Applications in accordance with the time limit and specifications discussed and proposed by the Commission. Mr. Levendusky agreed to amend the Applications as proposed by the Commission.

### **III. THE APPLICANT'S VERBAL AMENDMENTS TO THE APPLICATIONS**

After some discussion between the Commission and the Applicant during the hearing, the Applicant agreed to amend the Applications as follows:

#### **A. HPC 25-45a – the “Community Sign”:**

- The sign will remain in place for no more than one (1) year from the date the sign is installed.
- Dimensions amended to be 4' wide by 8' tall, with a total standing height below 11 feet.
- Final language of the sign to be approved by the Commission's Staff.
- The materials remain unchanged from the original proposed scope of work.

#### **B. HPC-25-45b – the “Sales Center Sign”**

- To be installed for no more than one (1) year from the date the sign is installed.
- No other changes to the original proposed scope of work.

#### **IV. MOTION**

Mr. Barlow moved to approve the Applications as verbally amended by the Applicant during the hearing. Ms. Allen seconded. The motion was unanimously approved.

#### **FINDINGS OF FACT**

Based upon the evidence presented at the hearing, the Commission makes the following Findings of Fact:

##### **I. THE SUBJECT PROPERTY**

This property is located in the Ellicott City Historic District, but does not currently contain any buildings. The Applicant was approved to construct new houses at 3700 Mill Creek Way in November 2024, in Case No. HPC-24-46, and at 3701 Mill Creek Way in February 2025, in Case No. HPC-24-69. These lots are part of a larger development; the construction of the homes were approved by the HPC in October, November and December of 2024, and February 2025, with other site alterations approved in February 2025.

##### **II. THE PROPOSED SCOPE OF WORK**

In accordance with the Applicant's verbal amendment to the Applications, the Applicant proposes to install the following signs:

###### **A. The Community Sign (Case No. HPC-24-45a – 3700 Mill Creek Way)**

The Applicant proposes to install a temporary freestanding sign to advertise the sale of new homes (the "Community Sign"). The sign panel will be made of maxmetal and the sign posts will be black PVC sleeves with flat caps. The sign will be 4-feet wide by 8-feet tall, for a total of 32 square feet, with a total standing height no greater than 11 feet. The sign posts will be 4"x4" sized to comply with the amended dimensions. The

sign will consist of three colors, black, white and blue. The final language of the sign shall be approved by Staff. The sign shall remain in place no longer than 1 year from the date the sign is first installed.

**B. The Sales Center Sign (HPC-25-45b – 3701 Mill Creek Way)**

The Applicant proposes to install a temporary freestanding sign to advertise the location of the sales center in the model home (the “Sales Center Sign”). The sign will be 48-inches wide by 34-inches tall, for a total of 11.3 square feet. The sign will be installed 14 inches off the ground, for an overall height of 4 feet. The sign panel will be made of maxmetal and the sign posts will be black PVC sleeves with flat caps. The sign posts will be 4-foot tall 4”x4” posts. The sign will consist of three colors, black, white and blue. The sign shall remain in place no longer than 1 year from the date the sign is first installed.

**III. THE STAFF REPORT AND RECOMMENDATIONS**

Prior to the December 4, 2025 Commission meeting, Staff reviewed the Applications, all materials submitted in support thereof, and all relevant Guidelines. Having done so, Staff in the Agenda a detailed report summarizing the Applications, restating the relevant Guidelines, and providing the Commission with recommendations based on the application of the Guidelines to the Applicant’s proposed scope of work (the “Staff Report”)<sup>1</sup>. At the hearing, the Staff Report was made a part of the record without objection or amendment by any party and is hereby incorporated by reference into these Findings of Fact as though fully set forth herein.

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<sup>1</sup> See the Agenda at pp. 3-6.

## CONCLUSIONS OF LAW

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

### **I. STANDARDS OF REVIEW**

The standards of review for 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 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.
- (4) Whether the requested action is necessary to protect against threats to public safety.
- (5) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Howard County 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. It is not the intent of this subtitle to limit new construction, alteration, or repairs to the architectural style of any one period.

Section 16.607(d) of the Howard County Code 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.

Given the Applicant's proposed scope of work, the Applications will be evaluated in accordance with the recommendations found in Chapter 9 and Chapter 11 of the Guidelines.

## **II. 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 Applications, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposals would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposals are generally consistent with the relevant signage guidelines and may be favorably distinguished from those signage guidelines that are not relevant to the proposals given their differing placement and intended purpose from the types of signs contemplated by the Guidelines. The evidence supports this conclusion.

As more fully detailed in the Applications and restated in the Findings of Fact at Section II (The Proposed Scope of Work), the Applicant seeks approval to install two (2) signs of differing sizes and designs to advertise the sale of new homes in the new development.

The Community Sign will be a freestanding rectangular sign measuring 4 feet wide by 8 feet tall, mounted to a pair of posts, with a total standing height not to exceed 11 feet. It will be located at the entrance to the development at the intersection of Mill Creek Way and Church Road to advertise the sale of new residential homes.

The smaller Sales Center Sign will be a freestanding rectangular sign measuring 48 inches wide by 34 inches tall, mounted to a pair of posts, with a total standing height

of 4 feet. It will be located within the development itself and is intended to direct potential buyers to the sales center inside the model home.

Notably, the two signs for which the Applicant is seeking approval are significantly different from the types of signs typically installed elsewhere in the Historic District. The applicable signage Guidelines, found in Chapter 11, are almost entirely focused on signs in the historic downtown portion of Ellicott City, and therefore are largely irrelevant to, or in direct contrast with, the Applicant's proposed signs.

This is readily apparent given the rationale for the scaling of the signs contemplated by the Guidelines articulated in Chapter 11.A and 11.B.1:

Because most of the historic district was developed during the 19<sup>th</sup> century, before automobile travel, the district is scaled to the pedestrian. Signs in the district should reflect this heritage and also be scaled to the pedestrian. Because the signs will be close to viewers, quality and detail are more effective than overwhelming size.

#### Chapter 11.A

Main Street and other streets in the commercial and office areas of the historic district are narrow and winding, lined with parked cars and historic structures. High speed automobile traffic is impractical and the streetscapes are scaled to the pedestrian. Consequently, large, highway-scaled signs are inappropriate and unnecessary.

#### Chapter 11.B.1

The Subject Property is not located along Main Street or the other commercial and office areas of historic downtown Ellicott City. The Community Sign in particular will be located directly along Church Road, which, while not a highway and not a road intended for high speed automobile traffic, it is a road upon which automobiles travel at a much faster speed than they do along Main Street. Additionally, the primary purpose

of the Community Sign is to attract the attention of potential buyers driving along Church Road and guide them into the new development.

If the scale of the Community Sign was required to conform to the pedestrian scale, it would not be legible by anyone driving along Church Road, which would defeat its entire purpose. Given the disparity in the location and purpose of the signs contemplated by the Guidelines and the location and purpose of the Community Sign, the Commission concludes that under these circumstances, the scale of the Community Sign is an appropriate and allowable deviation from the Guidelines.

In addition, the proposed height of the Community Sign does generally comply with the height recommendations for freestanding signs, which states that freestanding signs should be limited “to a height below the window sill of the second story of the building with which it is associated.” Chapter 11.B.5. While not directly associated with any specific building, the Community Sign is an advertisement for the new houses being sold by the Applicant, and by capping the total standing height of the Community Sign at 11 feet, it will be below the window sill of the second story of those new houses.

Similarly, given the proposed location of the Sales Center Sign, the Commission concludes that its size and scale is also an appropriate deviation from the Guidelines. While not as large as the Community Sign, the Sales Center Sign is still larger than the signs intended for use in the downtown commercial district or the small signs permitted for home-based businesses in the residential districts. However, the Commission concludes that this slightly larger size is appropriate given that while it will aid pedestrians walking from their cars to the sales center, its principal purpose is to catch

the attention of those potential buyers driving along Mill Creek Way and direct them to the sales center situated in the model home.

While the general guidelines with respect to scaling are not directly relevant to the Applicant's proposed signs, the general guidelines for the design of signs found in Chapter 11.A are. Both signs will be simple and well-crafted, with easy-to-read text and graphics that clearly identify the nature of the business being advertised, as is generally recommended by the Guidelines. Both signs will also consist of only three colors, black, white and blue, which also complies with the general guidelines in Chapter 11.A. As such, the Commission concludes that the designs of the Community Sign and the Sales Center Sign are in full compliance with the Guidelines.

As an initial matter, the Commission must address the temporary nature of the Applicant's proposed signs. Signs that are truly temporary in nature arguably do not require the Commission's approval. However, because the Applicant cannot provide a definitive timeframe during which the signs will be needed, the Applicant and Commission both agree that it is appropriate to put a one-year time limit on the installation of the signs. If the Applicant has not sold all of the houses in the development before that year is up, the Applicant is free to submit a new application seeking approval for the signs to remain in place for an additional limited period of time.

For these reasons, including the reasons identified in the Staff Report and the reasons stated by the Commission at the hearing, the Commission concludes that the Applicant's proposed work will not impair the historic and architectural value of the surrounding area, and that the Applications, as verbally amended by the Applicant during the hearing, are in compliance with those Guidelines that are rationally applicable to the

proposed signs and the deviations from the remainder of the Guidelines contained in Chapter 11 are reasonable and allowable under the specific facts of these cases.

**ORDER AND CERTIFICATES OF APPROVAL**

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 5 day of March, 2026, **ORDERED**, that the Applicant’s requests for Certificates of Approval to install signs at the Subject Property, are **APPROVED AS AMENDED**.

**HOWARD COUNTY HISTORIC PRESERVATION COMMISSION**

Signed by:  
*Julianne Danna*  
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Julianne Danna, Chair

Signed by:  
*[Signature]*  
FEE10F2A288E427...

Ben Barlow, Vice-Chair

Signed by:  
*Ellen Flynn Giles*  
CB47A69611614A3...

Ellen Flynn Giles, Secretary

Signed by:  
*Cathy Allen*  
E023602B368A48F...

Cathy Allen

DocuSigned by:  
*Erica Zoren*  
025B1E868AA8439...

Erica Zoren

**APPROVED** for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW

Signed by:  
*Mark D. Beaumont*  
0D37C4EBA51C4C3...

Mark D. Beaumont  
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
JAMIE SWEADNER ON BEHALF OF	*	HISTORIC PRESERVATION
THE FUND FOR ART IN		
ELLCOTT CITY		
FOR A RETROACTIVE	*	COMMISSION
CERTIFICATE OF APPROVAL	*	
TO INSTALL ARTWORK	*	
AT 8000 MAIN STREET		Case No. 25-46
ELLCOTT CITY, MARYLAND	*	

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**DECISION AND ORDER**

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on December 4, 2025, to hear and consider the application of Jamie Sweadner on behalf of The Fund for Art in Ellicott City (“Applicant”), for a Certificate of Approval to install a piece of art at 8000 Main Street, Ellicott City, Maryland (the “Subject Property”).

The Commission members present were Julianne Danna, Ben Barlow, Ellen Flynn Giles, Cathy Allen, 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 (the “Application”); (4) the Agenda for the December 4, 2025 Commission meeting (the “Agenda”); (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 THE PROCEEDINGS**

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 was represented by Mr. Donald R. Reuwer, Jr. at the hearing.

#### **I. TESTIMONY**

Ms. Zoren swore in Mr. Reuwer, who explained the “OEC” letters (hereinafter, the “OEC Artwork”) were originally intended as a temporary Christmas decoration and are sitting on a skid, meaning the OEC Artwork can be moved around. Mr. Reuwer said there are currently Christmas lights on the “O,” and they liked how it looked and decided to submit the Application to seek approval to leave the OEC Artwork up year-round without the temporary Christmas lights. Mr. Reuwer showed a photo of the OEC Artwork at night, and confirmed it was lit from below by two small spotlights.

There was some confusion over the exact size of the OEC Artwork as the dimensions listed in the Application appeared to differ from the actual measurements of the existing piece.<sup>1</sup>

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<sup>1</sup> Because the letters in the application were larger than those installed, staff measured the existing letters and found them to be smaller than the 12-foot length stated in the Application. Staff confirmed with the Applicant that the total combined length of the installed OEC letters are 83 inches wide. The letters are 61 inches tall without the base. The letters are 12 inches deep. The black sled base is 124 inches wide by 36 inches deep.

Ms. Allen asked if the Commissioners were fine approving the spotlights (uplighting), or if there were concerns with the size of the lights. Ms. Holmes said the spotlights were minimal, black and not highly visible, and said the Applicant could amend the application to also request approval for the spotlights.

Ms. Allen asked Mr. Reuwer about why the Commission keeps seeing his cases for retroactive approval and asked if he could come in prior to installing items. Mr. Reuwer understood and said he could do that.

Ms. Danna clarified the Commission is being asked to approve what is there on-site, and not the rendering in the application. Mr. Reuwer said that was correct. Ms. Danna asked about the frame around the letters per the application. Mr. Reuwer said the frame was just for transport, and the supports are behind the letters so they are not visible from the public way. Ms. Danna confirmed Mr. Reuwer was seeking approval for the OEC Artwork as shown. Mr. Reuwer said that was correct, confirming that the Applicant was seeking approval for the version seen now to remain in place.

Ms. Danna asked if the Applicant was willing to amend the application for the OEC Artwork to conform with the existing dimensions without the currently installed Christmas lights, but with the addition of the existing ground-mounted black spotlights. Mr. Reuwer agreed and verbally amended the Application.

## **II. COMMISSION DELIBERATIONS**

The Commission began deliberations. Ms. Allen said that unlike previous public art, the OEC Artwork is recognizable for “Old Ellicott City” and the colors are muted. She explained that the letters contain a lot of open space/voids and can be seen around and behind, which was appealing. She said the letters were not a solid mass and did not

detract from the surroundings because the letters did not block the historic viaduct railroad bridge, the historic stone wall or the historic building next to the wall.

Mr. Barlow concurred with Ms. Allen and found the letters blend into the landscape versus taking attention away from the historic structures. Mr. Barlow finds the letter “O” reads as a zero “0” given the width of the letter and that he preferred the wider application rendering, but said it was also fine as-is.

Ms. Flynn Giles concurred with the comments made and said the OEC Artwork fits the nook it was placed in, the color works better against the historic granite, and it serves as a welcome upon entering the Historic District.

Ms. Zoren said the size, height, scale color and messaging were appropriate. She said the Commission approved the installation of the eggplant sculpture for a period of 11 months and asked if the HPC needed to set a time limit here for consistency, with the opportunity to renew the approval.

Ms. Danna concurred with previous comments; she said the color, size and location were all submissive to main historic structures; the Viaduct and Bridge Market building next to it. For timing, she said there is other art in Ellicott City that was approved without limits. The Commissioners discussed timeframes and ultimately decided a timeframe was not needed for this installation.

### **III. MOTION**

Ms. Flynn Giles moved to approve the Application as verbally amended by Mr. Reuwer during the hearing. Mr. Barlow seconded the motion. The motion passed by a unanimous vote of five (5) to zero (0).

### **FINDINGS OF FACT**

Based upon the evidence presented at the hearing, the Commission makes the following Findings of Fact:

**I. THE SUBJECT PROPERTY**

This site is located in the Ellicott City Historic District and is listed on the Historic Sites Inventory as HO-72, the Bridge Market. According to SDAT, the building on the property dates to 1790. This property is the first property in Howard County after crossing over the Patapsco River from Oella, and is adjacent to the Oliver Viaduct railroad bridge, HO-332.

In April 2025, in Case No. HPC-25-08, the Applicant submitted an application requesting approval for the installation of a red 8-foot-tall heart on a 2-foot base on the Subject Property. The application was withdrawn when the Commission had concerns with the height of the art, the accessibility of the art and the alteration to the iconic view of the railroad bridge. The Commission said a smaller scale art with landscaping could be considered.

**II. THE PROPOSED SCOPE OF WORK**

The Applicant seeks a retroactive Certificate of Approval to install a piece of artwork that reads “OEC”, standing for “Old Ellicott City.” The OEC Artwork is constructed of waterproof MDO plywood (medium density overlay signboard) that is painted blue and is mounted on a moveable timber frame painted black.

There was some confusion surrounding the dimensions of the OEC Artwork, specifically regarding the apparent discrepancies between the dimensions listed in the written Application vs. the actual dimensions of the existing OEC Artwork. To clarify the confusion, the Applicant verbally amended the Application to confirm they were

seeking approval for the existing OEC Artwork to remain as-is. Staff later confirmed the true dimensions with the Applicant, which are as follows:

- The black sled base upon which the letters sit is 124-inches wide by 36-inches deep, and of de minimis height; and
- The total combined length of the three letters themselves (*i.e.*, not including the base) is 83 inches, with each letter measured as being uniformly 61-inches tall and 12-inches deep.

The Applicant also verbally amended the Application during the hearing to clarify the OEC Artwork would not include the Christmas string lights that were placed on it at the time of the Application, and to also seek approval for the existing ground-mounted black spotlights.

### **III. THE STAFF REPORT AND RECOMMENDATIONS**

Prior to the December 4, 2025, Commission meeting, Staff reviewed the Application, all materials submitted in support thereof, and all relevant Guidelines. Having done so, Staff included in the Agenda a detailed report summarizing the Application, restating the relevant Guidelines, and providing the Commission with recommendations based on the application of the Guidelines to the Applicant's proposed scope of work (the "Staff Report")<sup>2</sup>. At the hearing, the Staff Report was made a part of the record without objection or amendment by any party and is hereby incorporated by reference into these Findings of Fact as though fully set forth herein.

### **CONCLUSIONS OF LAW**

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

#### **I. STANDARDS OF REVIEW**

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<sup>2</sup> See the Agenda at pp. 7-9.

The standards of review for 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 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.
- (4) Whether the requested action is necessary to protect against threats to public safety.
- (5) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Howard County 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. It is not the intent of this subtitle to limit new construction, alteration, or repairs to the architectural style of any one period.

Section 16.607(d) of the Howard County Code 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.

While the Guidelines do not include specific recommendations for public art installations, analogous Guidelines are found in Chapter 10.C, which sets forth recommendations for items found within the public realm along the street and sidewalks, and Chapter 11 which sets forth recommendations for signs in the Historic District. Given the Applicant's amendment to add ground-mounted spotlights to the scope of work, the

Application will also be evaluated in accordance with the recommendations found in Chapter 9.E of the Guidelines.

## **II. 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.

As more fully detailed in the Application and restated in the Findings of Fact at Section II (The Proposed Scope of Work), the Applicant seeks retroactive approval for the installation of the OEC Artwork currently located on the Subject Property. As clarified by the Applicant to Staff, the OEC Artwork is 61-inches tall by 12-inches deep by 83-inches long and is constructed of waterproof MDO (medium density overlay) plywood that is painted blue. The artwork sits upon a moveable timber frame sled base that is painted black and measures 124-inches wide by 36-inches deep and is of de minimis height. Taken in its entirety, the artwork itself occupies approximately 35.1 cubic feet of space in the lawn next to the historic building.

While the OEC Artwork is not a piece of "street furniture" as strictly described in Chapter 10.C. of the Guidelines, it is similar in size and scale to such pieces of "street furniture" that are referenced in the Guidelines, such as a large newspaper box or telephone booth. Like the referenced pieces of "street furniture," the OEC Artwork is located in a public area and should therefore be subject to similar considerations as to

the placement of such items in the public realm. With the above in mind, the Commission finds the recommendations in Chapter 10.C. of the Guidelines to be instructive in this circumstance.

The OEC Artwork is installed on the lawn adjacent to the historic building located on the Subject Property, and as such does not impede pedestrian traffic, which comports with recommendations to not place street furniture where it will impede pedestrian traffic.

Most importantly, the OEC Artwork, as it is currently situated, neither obscures nor detracts from the appearance of the surrounding historic structures from the public way. It does not block the historic viaduct railroad bridge, the historic stone wall, or the historic building, and as such does not detract from its surroundings or the historic character of the District.

With respect to the two small black ground-mounted spotlights, the Commission determines that they are visually unobtrusive and are focused in such a way as to highlight only the OEC Artwork and do not create glare or spill onto neighboring properties, all of which complies with Chapter 9.E of the Guidelines.

For these reasons, including the reasons identified in the Staff Report and the reasons stated by the Commission at the hearing, the Commission concludes that the Applicant's proposed work will not impair the historic and architectural value of the surrounding area, and that 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 5 day of March, 2026, **ORDERED**, that the Applicant’s request for a retroactive Certificate of Approval to install artwork at the Subject Property, is **APPROVED AS AMENDED**.

**HOWARD COUNTY HISTORIC PRESERVATION COMMISSION**

Signed by:

*Julianne Danna*

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Julianne Danna, Chair

Signed by:

*[Signature]*

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Ben Barlow, Vice-Chair

Signed by:

*Ellen Flynn Giles*

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Ellen Flynn Giles, Secretary

Signed by:

*Cathy Allen*

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Cathy Allen

DocuSigned by:

*Erica Zoren*

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Erica Zoren

**APPROVED** for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW

Signed by:

*Mark D. Beaumont*

0D37C4EBA51C4C3...

Mark D. Beaumont  
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
PATRICIA DRISCOLL		
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
TO MAKE EXTERIOR ALTERATIONS	*	COMMISSION
AT 3899 COLLEGE AVENUE,	*	Case No. 25-47
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 December 4, 2025, to hear and consider the application of Patricia Driscoll (“Applicant”), for a Certificate of Approval to make exterior alterations at 3899 College Avenue, Ellicott City, Maryland (the “Subject Property”).

The Commission members present were Julianne Danna, Ben Barlow, Ellen Flynn Giles, Cathy Allen, 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 (the “Application”); (4) the Agenda for the December 4, 2025 Commission meeting (the “Agenda”); (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 THE PROCEEDINGS

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.

### I. TESTIMONY

Ms. Danna swore in Patricia Driscoll. Ms. Driscoll gave an overview of her proposal; she said the proposed fence is to be 6 ft tall and is located 172 feet from the public roadway and cannot be seen from the public view of College Avenue. She said the roadway stands at an elevation of 269 feet, rising to 274 feet in her yard, dropping down to the pool deck back down to 260 feet and the lower garden at 254 feet. She said the project area where this fence is significantly lower and cannot be seen from a public view. Ms. Driscoll discussed the need for privacy for the pool area. She believes that a closed fence is warranted over an iron fence due to the need for privacy and for the pool. She said the fence will block access to her property from her neighbor's property. Ms. Driscoll referenced a previous intruder who entered her property, she said she has had death threats made against her and break-ins. Ms. Driscoll referenced an incident in 2024 where a man entered her lower garden area and the fence was constructed after this incident. She said without the fence, the intruder would have to climb a 45-degree slope and climb an 8-foot retaining wall. Ms. Driscoll referenced an on-site meeting that took place at her house with Department of Inspections, Licenses and Permits staff and Department of Planning and Zoning staff. She said DILP determined the existing fence

was under 7 feet and did not need a permit. Ms. Driscoll discussed the smokehouse and needed erosion control. Ms. Driscoll explained that Long Fence made the CAD drawings, and the fence will be pressure treated pine, not stained and all materials will be provided by Long Fence. She said that all the concrete footings are behind the property lines and the 6-inch by 6-inch treated posts are approximately 8 inches behind the property line. She said the posts were put in place after a survey done by the neighbor and the intruder who entered our area from the lower garden. Ms. Driscoll summarized previously approved privacy fences as stated in the staff report.

Ms. Danna swore in Ms. Wilson. Ms. Wilson said she provided a statement and a picture to staff per the registration instructions. Ms. Danna said she would accept Exhibits 1 and 2 of the application. Mr. Beaumont asked if there was any objection to those documents by the other party. Ms. Driscoll did not object. Ms. Wilson's Exhibits 1 and 2 were accepted into the record. Ms. Wilson read her testimony from Exhibit 1 as reasons why she thought the application should be denied. She said the application was incomplete and does not reflect the actual structure. Ms. Wilson said she and her husband have not removed dirt as presented in Ms. Driscoll's testimony, but they have tried to control the erosion on their side as there were areas with obvious and visible erosion. She said they have added dirt on their side to make the slope level. Ms. Wilson said the fence height was not accurately represented; the Applicant placed mulch and soil on their side of the fence to reduce the height of the fence on their side, but not on hers. She said it the fence is considerably taller on her side. Ms. Wilson said the fence height obscures her view of her property through the windows in her house. She said the site lines are altered from when they purchased the house. Ms. Wilson said the fence

will be 6-feet high above ground level, but she could not tell if the 6-foot high was measured from her side or if it would be more than 8-foot high like that fence that is currently there now. She said the plan encroaches further onto her property. Ms. Wilson discussed some of the images shown in the staff report, the dimension of the fence and the property line. Ms. Wilson explained she is also trying to control erosion and that the prior owners built a French drain; all runoff from her driveway goes down a French drain and drains on her own property far from Ms. Driscoll's pool, well within the Wilson property boundaries. Ms. Wilson discussed the current lattice and stockade fencing, stating that it does not appear temporary. Ms. Wilson said the Driscoll pool and pool deck are visible from the driveway. Ms. Wilson said the fence does not enclose an area and there are gaps. She said she has security cameras pointed at her property because she has had issues with trespassers. Ms. Wilson said the freestanding fence has been there for 14 months and new plan is for another freestanding fence. She said the entire property is not a steep drop, it is level and open and anyone can walk on to the property. She said the fence does not prohibit people from walking onto the property. Ms. Wilson said she was still not clear on the height and design.

Ms. Driscoll presented her case. She hired Long Fence and clarified that staff did not instruct her to use a specific company. She said Long Fence came and took measurements; the existing posts have been there for 14 months, the fence and lattice will be removed, board on board fencing to be installed which will be the same on both sides, racked to meet slope of the land. Ms. Driscoll said that Long Fence took the measurements. She said the land is not flat and provided some information on the topography. She explained when they have had issues with people entering the yard and

had break-ins. Ms. Driscoll found a closed fence is justified. She said they have not moved posts or boundaries; the posts will remain and Long Fence will re-use them.

Ms. Wilson had the opportunity to cross-examine Ms. Driscoll. Ms. Driscoll asked where the height of the fence was being measured from. Ms. Driscoll said the fence height was measured from her side of the fence, where the dirt was put back and exists now. Ms. Wilson asked if the fence will be over 8-feet tall on her side of the fence. Ms. Driscoll said no and provided an explanation of measuring the fence. Ms. Wilson questioned Ms. Driscoll on whether she has seen anyone removing large amounts of soil from her property. Ms. Driscoll said she saw Ms. Wilson's husband remove soil, dump soil and create level areas with lounge chairs on the Wilson's side of the fence.

Ms. Wilson questioned Ms. Driscoll on the whether the posts will stay at the same height and if the caps will be copper. Ms. Driscoll said the application clearly showed the heights and the location; she said Long Fence created the CAD drawings.

Ms. Wilson asked if the fencing panels go in the same direction as the planter boxes or if the fence will be a combination of horizontal and vertical. Ms. Driscoll said the planter boxes approved for the direction they were approved<sup>1</sup>. Ms. Driscoll said the fence is being proposed in the style suggested, vertical in a racked style.

The Commission questioned Ms. Driscoll on the application. Ms. Flynn Giles said the fence is referred to as board on board and board and batten and wanted to verify the style. The application specifies board and batten, which will not have gaps between the wood. Ms. Flynn Giles asked questions regarding the fence posts and the specific location of the proposed fence. Ms. Driscoll said the fence posts will be cut down as

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<sup>1</sup> Per HPC-25-29, the planter boxes will run horizontal.

specified by Long Fence. She said the fence will enclose the side of pool. She said there is a hedgerow taking up the whole right side and the fence will be built into the left side all the way down to the stone retaining wall that ties into the smokehouse. Ms. Flynn Giles summarized that the fence will be a mix of natural and stone structures.

Mr. Barlow asked Ms. Driscoll when the fence would be built if it is approved. Ms. Driscoll said she would like to have it built as soon as the crew is available.

Ms. Allen questioned Ms. Driscoll on the soil that was being added and removed. Ms. Allen said that at some point before the fence was even put in, the two sides of the yard must have been symmetrical and asked Ms. Driscoll to explain. Ms. Driscoll said she submitted drawings that showed what it looked like in 2008. She said they had to replace the pool retaining wall because it was falling over and there was soil that came all the way up because it was 6 feet. She said there were 6-inch boards that were all falling over, so they removed the retaining wall, but had to dig down in order to get rid of all the rotted boards, and put in posts because there used to be 4-inch by 4-inch posts which they replaced with six-inch by six-inch posts 5-feet into the ground. Ms. Allen said there is not a good justification for when and what point all of the land was the same level. She understood Ms. Driscoll's testimony, but said the HPC does not really have any physical justification that shows what the level looked like. Ms. Driscoll said there was about 6 inches from the top of the old planters down all the way around. Ms. Allen said 6-inches is not 2-feet; she said a 6-foot fence on one side and an 8-foot fence on the other side is not 2-inches. Ms. Allen asked why the application says the fence materials will use 2"x10"x12'-0" pressure treated lumber. Ms. Driscoll said that specification was an error on her part and was used for the pool retaining wall. Ms. Allen asked if the

fence will look the same on both sides and Ms. Driscoll confirmed it would. Ms. Danna confirmed the fence will be board and batten with no space between the lumber, since both fence terms are getting used. Ms. Driscoll said that was correct.

Ms. Wilson presented her case. She said she has never seen a mound of dirt approaching the level or height described by Ms. Driscoll. She described the state of the property when she purchased it, stating there was not a 2-foot difference in elevation. Ms. Wilson said she was concerned about a giant stockade style fence on her side and a fence over 8 feet tall completely obscuring her view from her window of her backyard.

Ms. Driscoll questioned Ms. Wilson. She asked questions about how far apart their backyards are from each other, whether Ms. Wilson lived in the house during the 2016 and 2018 floods, water runoff and if the County told Ms. Wilson how they would determine the height of the fence.

The Commission questioned Ms. Wilson. Mr. Barlow said that at the last meeting Ms. Wilson objected to the fence materials submitted and he asked if Ms. Driscoll comes back and uses appropriate materials if that would be an application Ms. Wilson would not have a problem with; and that Ms. Wilson said there would be other items she would have a problem with. Mr. Barlow said that he thought he heard in Ms. Wilson's current testimony that she wants to be able to see into Ms. Driscoll's backyard. Ms. Wilson specified she wanted to see into her own backyard. Mr. Barlow said he was trying to figure out what part of her backyard was she trying to see that is not visible from the chairs placed outside. Mr. Barlow questioned Ms. Wilson on the fence placement, style and proposed CAD drawings. Mr. Barlow stated the CAD drawing is for a fence that will be 6 feet tall.

Ms. Allen stated that in one of the pictures there is a black fence right before the wooden fence and asked if Ms. Wilson installed that fence. Ms. Wilson stated that Ms. Driscoll installed that fence and asked if it required approval, stating it has been in place for more than 14 months. Ms. Driscoll said she thought there was a misunderstanding of the CAD drawings and explained the perspective of the drawings/elevations.

Ms. Driscoll made her closing arguments; she stated they will be ripping out everything except for the posts, which will be cut down to the drawing specification. She said the fence will be racked to follow the slope of the land. There will be no lattice. She stated a closed fence was appropriate here because it cannot be seen from the street and will be built right up into a hedge that covers it from any public view.

Ms. Driscoll said this was a commercial property and she has an obligation to protect her guests; she did not have an obligation to give Ms. Wilson a view into her backyard. She said she is not requesting approval to put up an entire perimeter fence, she only wants to protect a vulnerable area where someone could sneak up and enter a back door, which has already happened. She wants to protect herself and her family from a security standpoint.

Ms. Wilson gave her closing argument. She said that she can appreciate the desire for security and privacy, but the characterization that they are filming into her backyard or not giving her guests privacy is completely inaccurate and misleading. She wants to ensure there is not an 8-foot-tall stockade fence. She said the accusations that they are digging out the dirt to make the fence taller is completely misleading and inaccurate. She said she was fine with the fence. She said that no one in her household generally looks into other people's yards, but they also have property on that side as it is their side

yard and they would like to see into the other part of their property from their windows. She did not think the fence addressed the security concerns that were voiced as parts of the property are flat.

## **II. COMMISSION DELIBERATIONS**

The HPC deliberated on the case. Ms. Zoren found the application approvable; she said the Commission had repeatedly asked the Applicant to bring in dimensions that meet the Guidelines and said this proposal does that. Ms. Zoren said the board and batten fence with a defined top and bottom that follows that grade is appropriate, retains privacy, minimizes height and is common to find along property lines. She said that a fence of this nature will look the same on both sides; whereas the issues with the previous proposal was a finished and unfinished look depending on the side of the fence. Ms. Zoren stated that from her understanding of the surroundings, the fence starts and stops at naturally occurring geographical and natural barriers; to hedge and a retaining wall and there will be continuity along the property line.

Ms. Allen agreed the fence as submitted was appropriate and what the HPC recommended. She expressed concern about the height difference on each side of the fence and stated there are historic sites on both sides of the fence.

Mr. Barlow concurred with the previous comments, although he was not concerned about the height; he did not see how the fence height could drastically change from one side to the other. He said the design is for a 6-foot fence and did not hear any credible objections or arguments. Mr. Barlow said it seemed to boil down to a belief there was a right to view from houses and windows and he was not aware of any rights to view. He was aware of a right to privacy. From the purpose of the Commission he

said that historic fences tended to fully enclose the property, a feature on that property. He thought it would be mechanistic to require that a single fence enclose an entire property. He said a single fence when there are natural geographic cutoffs, such as a 10-foot cliff on one side or impenetrable hedgerow on the other side should be considered that kind of enclosure that makes this fence more typical of that found historically. He said the issue of the 4-foot plastic fence is not before the HPC, nor any issues of land ownership; the Commission cannot quiet title. He said based on the actual proposal in front of the Commission, it seems consistent with the Guidelines and he would approve.

Ms. Flynn Giles concurred that the design as submitted complies with the previous instruction given by the Commission to the Applicant and was consistent with the Guidelines.

Ms. Danna concurred with Ms. Zoren's comments. She said the Applicant stated that the fence is entirely on her own property and will be the same on both sides. Ms. Danna stated that a request to install a 6-foot fence was before the Commission and no more than that. She agreed with the previous comments about the hedgerow and natural boundaries forming an enclosure. Ms. Danna said the measured drawings comply with the Guidelines.

### **III. MOTION**

Ms. Flynn Giles moved to approve the Application as submitted. Mr. Barlow seconded the motion. The motion was approved by Ms. Flynn Giles, Mr. Barlow, Ms. Zoren, and Ms. Danna. Ms. Allen denied. The motion passed with a vote of 4 to 1.

## FINDINGS OF FACT

Based upon the evidence presented at the hearing, the Commission makes the following Findings of Fact:

### **I. THE SUBJECT PROPERTY**

#### **A. Physical Description**

This property is located in the Ellicott City Historic District and is listed on the Historic Sites Inventory as HO-353, Lilburn Mansion and HO-354, Lilburn Smokehouse. According to the Inventory forms, Lilburn was constructed by Richard Henry Hazelhurst, an Englishman from Abingharn, Berkshire, England, who owned a prosperous foundry in Baltimore. The buildings on the property date to the 1850s.

#### **B. Procedural History**

This is the third case brought before the Commission that deals solely with the Subject Property, both of which included requests for approval of fencing in some form or another:

1. *HPC-25-13 (May 2025)*: The Applicant applied for retroactive approval to keep the fencing she had already installed, and for approval to construct a series of tiered wooden landscape beds. After the Commission requested more information from the Applicant about the project scope and details, the Applicant withdrew this application during the hearing.

2. *HPC-25-29 (September 2025)*: The Applicant applied for approval to install geo-textile cloth next to existing lattice, construct retaining boxes, install stone steps, install a French drain system, repair the top of a stone wall, and to retain the existing stockade fencing the Applicant had previously installed with certain alterations

to said fencing. As is more fully detailed in the Decision and Order for that case, the Applicant received approval for all items except for the fencing.

During the hearing, the Commission indicated they would not approve the fencing portion of the application due to the height, the stepping nature of the fence panels, and the stockade wood material. The Commission noted that a racked fence (which follows the slope of the yard) would be the appropriate style for the location where the Applicant intends to install the fence, and that the fence should be measured from the ground up, not from the top of the erosion control boxes up. The Commission further stated that to be compliant with the Guidelines the fence should not exceed 6 feet in height. The Commission also explained that the stockade panel system was not an appropriate style for the District and that a true board-on-board (alternating boards so the fence reads the same on both sides) style fence would be more appropriate to the Subject Property and its location in the District.

Following the Commission's deliberations, the Applicant withdrew her request to retain/install the fencing.

## **II. THE PROPOSED SCOPE OF WORK**

The Applicant again seeks approval to install fencing on the side/rear yard. The application states the following:

- 1) The existing temporary fence and lattice will be removed.
- 2) The fence will be no taller than 6 feet above ground level.
- 3) The fence will be located 172 feet from the street.
- 4) The fence will be racked (follow the slope of the land), board and batten

style, built board by board by Long Fence. The materials will be pressure treated pine

supplied by Long Fence. They will not be painted or stained. The fence posts will be capped off with a copper cap.

- 5) The Applicant plans to plant green vines on the fence after installation.

### **III. THE STAFF REPORT AND RECOMMENDATIONS**

Prior to the December 4, 2025, Commission meeting, Staff reviewed the Application, all materials submitted in support thereof, and all relevant Guidelines. Having done so, Staff included in the Agenda a detailed report summarizing the Application, restating the relevant Guidelines, and providing the Commission with recommendations based on the application of the Guidelines to the Applicant's proposed scope of work (the "Staff Report")<sup>2</sup>. At the hearing, the Staff Report was made a part of the record without objection or amendment by any party and is hereby incorporated by reference into these Findings of Fact as though fully set forth herein.

### **CONCLUSIONS OF LAW**

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

#### **I. STANDARDS OF REVIEW**

The standards of review for 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 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.
- (4) Whether the requested action is necessary to protect against threats to public safety.

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<sup>2</sup> See the Agenda at pp. 10-13.

- (5) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Howard County 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. It is not the intent of this subtitle to limit new construction, alteration, or repairs to the architectural style of any one period.

Section 16.607(d) of the Howard County Code 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. Given the Applicant's proposed scope of work, the Application will be evaluated in accordance with the recommendations found in Chapter 9 of the Guidelines.

## **II. APPLICATION OF STANDARDS**

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Additionally, because Howard County Code § 16.601(e) and (l) defines fences as being contributing structures, the Commission will be strict in its judgment of the Application.

As more fully detailed in the Application and restated in the Findings of Fact at Section II (The Proposed Scope of Work), the Applicant seeks approval to install fencing on the side/rear yard of the Subject Property. It must be noted that this is the Applicant's third request for approval to install (or retain) fencing in this same location on the Subject Property, with the prior two requests withdrawn by the Applicant after the

Commission indicated its unwillingness to approve the prior requests. During those previous hearings, the Commission repeatedly informed the Applicant that any future requests for approval to install fencing must include dimensions that meet the Guidelines.

The applicable guidance and recommendations for the proposed design and materials for a fence being installed in the District is found in Chapter 9.D. of the Guidelines. The Guidelines indicate that “fences and walls that mark property lines, create private yards, or screen electrical or mechanical equipment are also common” in the District. Chapter 9.D. As noted by the Commission during the hearing, the Applicant’s fence will be situated between an existing hedge and retaining wall and will travel along the property line between the Subject Property and the neighboring property owned by Ms. Wilson, in accordance with the Guidelines’ recommendations.

Chapter 9.D of the Guidelines further states that, as a general rule, new walls and other features, such as fencing, “should be simple in design and require minimal changes to the existing topography and natural features,” as such designs “will be consistent with historic Ellicott City structures and help the new elements to blend with their context.” Additionally, “[w]orking with the natural contours of the land will minimize the need to remove mature vegetation and preserve the relationship of historic buildings to the land.” The Commission finds that the proposed fence will be constructed in a manner that follows the slope of the land and will therefore require minimal changes to the existing topography of the Subject Property, as is recommended by the Guidelines.

While the Guidelines generally recommend open fencing be used, the Guidelines provide that closed wood fences, like the fence proposed by the Applicant, “have been

used since Colonial times and are currently found enclosing side or rear yards in a few areas of the historic district.” And while such fences are not common, the Guidelines do state that such closed wood fences may be used for side and rear yards in areas where precedent exists.

As noted in the Staff Report, the Commission has previously approved the installation of similar board and batten wood privacy fences in the side or rear yards of other houses in the District, thereby establishing a precedent for the approval of fences like the one proposed by the Applicant.

The Commission therefore concludes that the Applicant’s proposed design of an unpainted wood board and batten fence with a defined top and bottom that follows the existing slope of the land, which will be located in the side/rear of the Subject Property in such a way as to mark the property line, starting and stopping at naturally occurring geographical and natural barriers, and which will also serve to enclose the pool area located on the Subject Property, is therefore consistent with the Guidelines and the Commission’s prior decisions approving similar such fences in the District.

For these reasons, including the reasons identified in the Staff Report and the reasons stated by the Commission at the hearing, the Commission concludes that the Applicant’s proposed work will not impair the historic and architectural value of the surrounding area, and that the Application complies with the Guidelines and standards applicable to the Ellicott City Historic District.

**ORDER AND CERTIFICATE OF APPROVAL**

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 4 to 1, it is this 5 day of March, 2026, **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**

Signed by:  
*Julianne Danna*  
2AEDC0229A59492...  
Julianne Danna, Chair

Signed by:  
*[Signature]*  
FEE10F2A288E427...  
Ben Barlow, Vice-Chair

Signed by:  
*Ellen Flynn Giles*  
CB47A69611614A3...  
Ellen Flynn Giles, Secretary

Signed by:  
*Cathy Allen*  
E023602B368A48F...  
Cathy Allen

DocuSigned by:  
*Erica Zoren*  
025B1E868AA8439...  
Erica Zoren

**APPROVED** for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW

Signed by:  
*Mark D. Beaumont*  
0D37C4EBA51C4C3...  
Mark D. Beaumont  
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.