IN THE MATTER OF THE APPLICATION OF BRUCE TAYLOR	* *	BEFORE THE HOWARD COUNTY
FOR A CERTIFICATE OF APPROVAL TO MAKE EXTERIOR ALTERATIONS AT 3850, 3856, 3860, 3866 NEW CUT ROAD, ELLICOTT CITY, MARYLAND	* * *	HISTORIC PRESERVATION COMMISSION Case No. 20-78

* *

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 November 5, 2020 to hear and consider the application of Bruce Taylor, President of the Historic Ellicott Properties, ("Applicant"), for a Certificate of Approval to make exterior alterations at 3850, 3856, 3860, and 3866 New Cut Road, 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 November 5, 2020 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the "Design Guidelines" or "Guidelines"); and (6) the general design guidelines listed in Rule 107 of the Commission's Rules of Procedure.

Summary of Testimony

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

Findings of Fact

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

A. The Subject Property

This property is located in the Ellicott City Historic District. According to SDAT the building dates to 1899.

B. Proposed Improvements

The Applicant proposes to remove the deteriorated brickmold shingle siding from the end of each unit, replace the brickmold shingle with HardiePlank lap siding, and remove the German lap wood siding located below the brickmold shingle at the end of 3850 and replace that entire side with HardiePlank lap siding.

C. Staff Report

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

1) *Chapter 6.D recommends:*

    a. *"Remove asbestos shingles, aluminum siding or other coverings from historic buildings and repair or restore the original wall material."*

b. *"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."*

2) *Chapter 6.D. recommends against:*

a. *"Changing the scale of siding, e.g. replacing clapboard with an exposed width of four to five inches with new clapboard having an exposed width of eight inches."*

The proposed addition of HardiePlank lap siding to the ends of each building unit would introduce a different profile and exposure of siding to the buildings that does not currently exist. In this case, the original building material is known because the front and rear elevations have wood German lap siding, and some is visible under the brick mold. While removal of the modern brickmold shingles complies with the Guidelines and will have a positive impact on the appearance on the historic building, it would be more appropriate to add German lap wood siding to the ends, rather than HardiPlank. The addition of wood German lap siding would also be eligible for 20.112 tax credits.

D. <u>Staff Recommendation</u>

Staff recommends the HPC recommend the restoration of the existing German lap wood siding, rather than HardiePlank lap siding, and repair and replace as needed for 20.112 tax credit pre-approval.

E. <u>Testimony</u>

Dr. Taylor was already sworn in. Mr. Shad asked if Dr. Taylor had any other comments. Dr. Taylor said his comments were the same as in the previous case, in terms of

preference for fire resistant siding. HardiePlank lap siding was chosen as it appeared to be closer in appearance to the original siding on the building, but Dr. Taylor was agreeable if the Commission preferred a different HardiePlank siding. Dr. Taylor said that the house at 3850 has some wood and asbestos/asphalt shingles and instead of having two different materials on the end of the building, Dr. Taylor thought the siding should be replaced with the same product. While Staff has recommended using wood replacement between 3856 and 3860, Dr. Taylor would prefer to have cement material between the buildings for fire resistance.

The Commission said the buildings in this case, HPC-20-78, are extremely different than the building in HPC-20-77, as there is a predominate existence of German lap wood siding on the front and rear of the buildings, and there is also German lap wood siding, appearing to be in reasonable condition, under the fake brick. The Commission recommend removing the fake brick overlay entirely, then restoration and in-kind repair of the German Lap siding under the fake brick and using new wood German lap siding as needed. The Commission stated that the addition of the fiber cement or Boral composite in these conditions would be jarring and would not match up very well with the existing siding profile and would call attention to a new modern material.

The Commission suggested using fireproof surface paint on the wood siding to help address Dr. Taylor's concern.

Mr. Taylor asked Dr. Taylor if he had any questions or would like to withdraw or amend the application. Dr. Taylor asked if Boral German lap siding would be acceptable on the end of both buildings. Ms. Zoren said any siding material different from what matches the existing would not be appropriate and would stand out as it would look different. In this case one would be able to see the grain of the wood versus the smooth face of the Boral product

and notice the difference in material. Ms. Zoren advised that different paints can be used for fire proofing and the buildings in this case are over 30 feet apart, more than a fire rating between buildings.

Dr. Taylor verbally amended his application to replace the siding on the ends of the building with German Lap wood siding painted in an appropriate matching color to what exists. Ms. Holmes asked if Dr. Taylor was seeking tax credits. Mr. Taylor explained tax credit requirements and approvals. Dr. Taylor said he would like to receive tax credit pre-approval.

F. Motion

Ms. Tennor moved to approve the application as amended by the Applicant to replace deteriorated siding with wood German Lap siding to match the existing siding that does not have to be replaced so the buildings' exteriors can be rehabilitated to have consistent exterior surfaces. Pre-approval for tax credits on the siding and replacement of the brick molding on the corners of the building. Ms. Zoren seconded. The motion was unanimously approved.

Mr. Reich asked if the Commission was to approve the color of the German Lap siding based on the color the Applicant previously submitted. Dr. Taylor said he would choose a paint that would match the existing color scheme on each building.

Mr. Reich moved to approve the repainting of the buildings to match the existing colors. Ms. Tennor seconded. The motion was unanimously approved.

Conclusions of Law

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

A. Standards of Review

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

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

Section 16.607(c) of the Code further provides:

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

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 6 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. <u>Application of Standards</u>

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 amended the application during the hearing to remove deteriorated brickmold shingle siding from the end of each unit, and replace with German Lap wood siding painted in color that matches the existing. This work is in accord with Guideline

recommendations to remove modern materials and replace with historically appropriate materials. In this case, modern shingle will be replaced with wood siding that matches existing wood siding on the building. The new siding will be painted to match the existing 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 3rd day of December, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval to make exterior alterations at the Subject Property, is **APPROVED, as amended**.

HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

Allan Shad, Chair

Eileen Tennor /KH
Eileen Tennor, Vice-Chair

Drew Roth /KH
Drew Roth

Bruno Reich BB
Bruno Reich

Erica Zoren/KH
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.