IN THE MATTER OF THE APPLICATION OF BRUCE TAYLOR	*	BEFORE THE
	*	HOWARD COUNTY
FOR A CERTIFICATE OF APPROVAL TO MAKE EXTERIOR ALTERATIONS	*	HISTORIC PRESERVATION
AT 3887 NEW CUT ROAD ELLICOTT CITY, MARYLAND	*	COMMISSION
	*	Case No. 20-77

* *

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, Historic Ellicott Properties ("Applicant"), for a Certificate of Approval to make exterior alterations at 3887 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 on the property dates to 1900.

B. Proposed Improvements

The Applicant proposes to make the following alterations:

1) Remove the existing white asbestos shingle siding.

2) Replace asbestos shingle siding with Arctic White HardieShingle fiber cement siding.

3) Remove existing rusted K-style gutters and replace with new white aluminum k-style gutters.

4) Damaged areas of trim to be repaired and replaced in-kind, as needed.

The application explains that the Department of Inspections, Licenses and Permits has required repair of the siding, but the Applicant finds that repair is not safe or practical due to the friable nature of asbestos and lack of availability of asbestos replacement materials. The

application states that the HardieShingle would be similar in appearance, provide, width, color or texture. The Applicant stated that the building has had the existing asbestos siding since Historic Ellicott Properties has owned the building beginning in the 1970's.

C. Staff Report

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

1) *Chapter 6.D recommends, "Remove asbestos shingles, aluminum siding or other coverings from historic buildings and repair or restore the original wall material."*
2) *Chapter 6.D states the following is a possible exception, "If wood siding must be replaced on a historic building, a composite siding material may be considered, if wood is not a viable option, the composite siding conveys the appearance of the historic material, and application of the substitute material does not damage or obscure historic features. The texture, width, shape, profile and finish of the substitute siding should be similar to the wood siding it replaces."*

In this case, the original siding type is unknown but appears to reveal a German lap siding in areas not covered by the shingle or exposed under the cracked shingles. The siding would have originally been wood and some of the exposed wood appears to have rot and damage along the foundation. The Applicant reported that the material under the asbestos appears to be a substrate that the asbestos is attached to and is not siding.

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

Chapter 6.E recommends, "Use gutters and downspouts of painted metal or prefinished aluminum in a color consistent with the building's exterior walls or trim. Locate downspouts along natural vertical lines and corners of the building.

The proposal to replace the gutters and downspouts in-kind complies with the Guidelines recommendations. Alternatively, the use of half round gutters and downspouts is more historically appropriate than the existing K-style and could be approved for use as well.

D. Staff Recommendation

Staff recommends the HPC determine whether German lap wood siding or the proposed HardieShingle is most appropriate for residing the building. Staff recommends the HPC approve the replacement gutters and downspouts, to include the option for half round gutters and round downspouts.

E. Testimony

Mr. Shad swore in Bruce Taylor and asked Dr. Taylor if he had any comments to add to the staff report. Dr. Taylor said he was agreeable with gutters being half round and downspouts being round if he is going to proceed with repairs to the exterior of the building. Dr. Taylor gave a history on the fire that destroyed the Rosenstock building, which he previously owned, and has caused him to be fire adverse. Dr. Taylor explained the reason for his request of the HardiePlank siding is that the material is rot, peel, insect and fire resistant.

Ms. Zoren agreed with Staff comments about the half round gutters being more fitting for the setting and she thought there was German lap siding under the asbestos siding. Ms. Zoren said the German lap siding solution would be more appropriate and mentioned that Boral siding has the German lap profile and is a fire-resistant composite material. The Boral siding profile would be more fitting with the home and historic materials. Mr. Shad asked if Dr. Taylor had looked into Boral. Dr. Taylor said Boral had some advantages of HardiePlank material, but was not fire resistant like he was looking for. Dr. Taylor said the HardiePlank German Lap wood siding looks like wood siding and several feet away it would not be a visible difference.

Ms. Burgess said she was unaware that HardiePlank comes in a German lap siding profile. Ms. Zoren asked if Dr. Taylor could submit a sample of the HardiePlank German lap

siding profile to Staff. Dr. Taylor said he could resubmit what he submitted to staff because it was German Lap siding. The Commission and Staff discussed the proposed siding material as there was confusion on the material submitted for approval. The application contained specs to use HardieShingle, a product design to look like cedar shake. Dr. Taylor explained that he submitted that material to resemble the asbestos shingle that was currently on the building.

Ms. Holmes said she had never seen a HardiePlank German lap siding but Boral has Dutch/German Lap. HardiePlank only comes in shingle or lap siding wood grain or smooth.

The Commission and the Applicant discussed the difference between the German lap and lap siding profiles. Mr. Reich said that there is an Artisan product line by Hardie which does look like German lap, but does not have the dimension on the product. Mr. Reich said the Applicant wants a lap composite that looks like wood and whether the products are Hardie, Boral or wood, that was fine.

Ms. Holmes located a product called Colonial Smooth on the JamesHardie product website that has a German/Dutch lap profile. Ms. Tennor said that could be an option for Dr. Taylor. Ms. Holmes said the Commission would need more information since they have not seen that product before.

The Commission and Applicant discussed the original proposal of a shingle versus a German lap profile. The Commission discussed how they would like to proceed with the case, either with Staff approval of the new product or if the Minor Alteration process could apply in this particular case. Staff provided feedback on why they did not typically take cases like this, involving an entire siding material and profile change, through the Minor Alterations process. The Commission stated that a smooth HardiePlank siding was more realistic looking

than the wood grain HardiePlank siding and the product should be a German lap siding, to be approved by Staff.

After further discussion, Mr. Taylor asked if Dr. Taylor was amending his application to a HardiePlank German Lap profile that was smooth and not painted wood. Dr. Taylor said he was amending his application to that effect.

F. Motion

Mr. Reich moved to approve the application, including removing and replacing existing gutters and downspouts with half round gutters and round downspouts, and removal of the existing shingle siding with replacement of siding using a similar German/Dutch lap profile siding with fiber cement or similar siding to be approved by Staff. 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 seeks approval to remove existing asbestos shingle siding and, as amended by the Applicant during the hearing, replace with a HardiePlank German Lap profile siding with a smooth finish, not painted wood grain. The Guidelines recommend removing asbestos siding, which is not a historic material. The Guidelines recommend restoring the original siding, which in this instance is wood German lap siding. The Applicant identified a preference for fire resistant material for this structure. After discussion with the Commission, the Applicant agreed to amend his application to use a HardiePlank German/Dutch Lap profile to be approved by staff. The proposal is in accord with Guideline recommendations to remove obviously modern materials and replace with material of an appropriate historic and architectural appearance. The proposal to replace the gutters and downspouts in-kind also with

the Guidelines recommendations, as is the use of half round gutters and downspouts, which are more historically appropriate than the existing K-style, therefore, both options are 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 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 and detailed herein**.

HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

Allan Shad, Chair

Eileen Tennor | KH
Eileen Tennor, Vice-Chair

Drew Roth | KH
Drew Roth

Bruno Reich DB
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.