

IN THE MATTER OF  
THE APPLICATION OF  
DIANE WIMSATT

\* BEFORE THE  
\* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL  
FOR EXTERIOR ALTERATIONS  
AT 3802 CHURCH ROAD  
ELLICOTT CITY, MARYLAND

\* HISTORIC PRESERVATION  
\* COMMISSION  
\* Case No. 17-37

\* \* \* \* \*

**DECISION AND ORDER**

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on June 1, 2017 to hear and consider the application of Diane Wimsatt (“Applicant”), for a Certificate of Approval for Exterior Alterations at 3802 Church Road, Ellicott City, Maryland (the “Subject Property”). The Commission members present were Eileen Tennor, Allan Shad, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the June 1, 2017 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 house dates to 1870. This property is also listed on the Historic Sites Inventory as HO-436, the Dr. Isaac Martin House.

#### **B. Proposed Improvements**

The Applicant seeks approval for the following work:

- 1) Remove dying tree from northwest side of house by driveway. Replace the dying tree with a redbud.
- 2) Repaint entire porch and replace rotten wood floorboards as needed. The porch will be painted the same colors, white railings with a green floor.
- 3) Install gas meter on west side of house, against the left wall of the house, behind the shrubs.
- 4) Install 10-foot by 20-foot concrete patio in backyard.

**C. Staff Report**

The Applicant proposes to remove the tree located behind the driveway, and plant a redbud in its place. The Applicant said the tree has been in bad condition since they purchased the house and they are worried it will fall.

Chapter 9.B of the Guidelines states that Routine Maintenance includes removing dead or certifiably diseased trees and that an arborist's certificate will be accepted for diseased trees. The Applicant has not had an arborist or other licensed tree professional look at the tree, so this application cannot be considered Routine Maintenance. Chapter 9.B recommends, "retain mature trees and shrubs. Provide for their replacement when necessary." The tree does not appear completely healthy, as the crown is missing growth in several areas and the Applicant does plan to plant a new tree in its place. Staff finds the proposal complies with the Guidelines.

The painting of the porch and replacement of rotten wood floorboards with new wood floorboards is considered Routine Maintenance. The porch has peeling paint and soft/rotten floorboards as well, that require replacement. The repairs comply with Chapter 6.F recommendations, "maintain and repair porches and balconies, including flooring, ceilings, railings, columns, ornamentation and roofing, that are original or that reflect the building's historic development" and "replace deteriorated features with new materials as similar as possible to the original in material, design and finish."

The placement of the gas meter complies with Chapter 6.M recommendations for the placement of equipment and hardware, "use landscaping or low fencing to screen ground level equipment placed in a location visible from a public way or neighboring property." The gas

meter will be located on the west side of the front of the house, by a drain pipe running down in the corner, behind the shrubs.

The Applicant also proposes to construct a 10-foot by 20-foot concrete patio in the backyard. The patio will be slightly visible from the public way.

Chapter 9.D recommends against “new patios of concrete slabs in readily visible locations.” The rear yard is not highly visible from the street, but it will be slightly visible. Chapter 9.D recommends, “construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way” and “construct new terraces or patios visible from a public way from brick, stone or concrete pavers designed to look like indigenous stone.” There is a large granite retaining wall near the location for the proposed patio, as well as granite foundation on the house. Using stone as the paving material would be more in-keeping with the Guidelines recommendation to use materials compatible with the setting.

**D. Staff Recommendation**

Staff recommends Denial of the concrete patio and recommends Approval of a 200 square foot stone patio, in a stone color to match the house. Staff recommends Approval of the gas meter installation and tree removal. Staff recommends Approval for the porch repairs.

**E. Testimony**

Mr. Shad swore in Ms. Diane Wimsatt. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Ms. Wimsatt showed a photo of pavers she would like to use that look better than concrete. Ms. Wimsatt proposed a flagstone border around the patio to match the existing flagstone walkway on the property.

Mr. Reich asked what the pavers were made of Ms. Wimsatt said the Home Depot website indicated the paver was called Rumble Stones. Mr. Reich said this sounded like a

style name not a material name and said the pavers looked like concrete pavers. Ms. Holmes said the Guidelines recommended “construct new terraces or patios visible from a public way from brick, stone or concrete pavers designed to look like indigenous stone.” Ms. Holmes said that from a distance the pavers might look like stone. Mr. Shad said that would look fine.

Ms. Zoren said a mixed color palette would look better than a flat color. Mr. Reich those types of pavers are made out of concrete now. Ms. Wimsatt said there is differentiation in color and that they are flexible on the kind used. Mr. Reich asked about the paver size. Ms. Wimsatt said some are half size, some are quarter size, allowing layout variations. She said they sell three sizes that are all the same length. Mr. Reich asked if there will be a border. Ms. Wimsatt said they would do a border and explained that they have a gray flagstone walkway, so she thought flagstone would look best. Ms. Wimsatt said there is also a larger paver stone that could be used for the border.

Ms. Tennor said the existing foundation stone and retaining wall have irregular shaped stones that mimics Ellicott City’s natural indigenous stones. She said the proposed stone will work well.

Ms. Wimsatt said the Home Depot website indicated the proposed stones are called RumbleStone, which are concrete with many color and size options. She showed a photo to the Commission Members.

Mr. Reich asked if the proposed stones will be dry laid on top of a concrete slab. Ms. Wimsatt said soil would be removed, sand would be placed on top of the soil, followed by a polyurethane layer and then the stones would be laid on top. A material like sand will be put in between the stones for the grout and once it combines with water it will expand to finish off the patio.

Mr. Reich said the proposed patio is okay, since it is behind the house, the border will have pavers that are brick shaped, and will be a gray color that will blend in to the surrounding area.

Ms. Tennor asked how wide the flagstone border will be compared to the central patio. Ms. Wimsatt said the brick shaped pavers are 7 inches and the square edging pavers appear to be about 10 inches x 10 inches. Ms. Tennor asked if the border would be a single row outside of the pavers. Ms. Wimsatt said yes, it would be a single row, similar to the photo shown earlier to the Commission.

Ms. Zoren asked if the ground will be level so the paver patio will be flat, since the property has several slopes. Ms. Wimsatt said part of the rear yard is more sloped than the other area, but she is not planning to go far into the sloped area. The flagstone border would be stepped up to retain the slope where needed, and the patio will be inclined for water drainage.

Mr. Reich asked if there was any one in the audience who wished to testify. There was no one who wanted to testify.

**F. Motion**

Mr. Reich moved to approve the application as follows:

- 1) Approve the removal of the tree and replacement with a redbud.
- 2) Approve the repainting and replacing of floor boards on the front porch.
- 3) Approve the gas meter on the west side of the house.
- 4) Approve the installation of a 10-foot by 20-foot patio in the back yard, with Staff to approve the exact products to be used on the patio.

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 9 sets forth the relevant recommendations for Landscape and Site Elements, as detailed in the Findings of Fact, part C.

**B. Application of Standards**

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

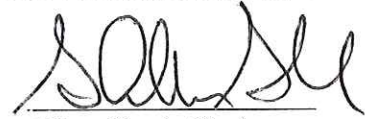
The Applicant proposes work to the exterior of a historic structure, including removal of a tree, installation of a gas meter, and installation of a new patio at the rear of the house. The tree is unhealthy and will be replaced with another tree. This is in accord with Guideline recommendations. The gas meter is also in accord with Guideline recommendations to "use landscaping or low fencing to screen ground level equipment placed in a location visible from a public way or neighboring property." The gas meter will be located behind shrubs. The patio was originally proposed to be constructed of concrete, a material that is disfavored by the Guidelines. The Applicant has agreed to instead use a paver that resembles stone and is the color of historic stone present on the Property. This is in accord with Guideline recommendations to construct new site features using materials that are compatible with existing structures. Additionally, the location of the patio is not highly visible from the public way.

For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.

**ORDER AND CERTIFICATE OF APPROVAL**

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 6 day of July, 2017, **ORDERED**, that the Applicant's request for a Certificate of Approval for Exterior Alterations at the Subject Property, is **APPROVED**, as amended herein and subject to final Staff approval of the patio materials.

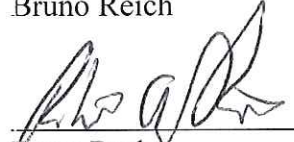
**HOWARD COUNTY HISTORIC  
PRESERVATION COMMISSION**



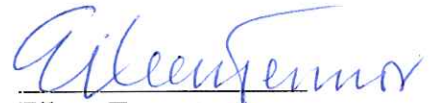
Allan Shad, Chair



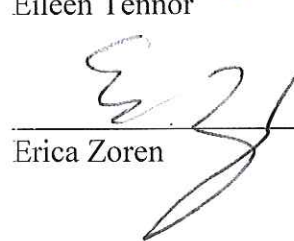
Bruno Reich



Drew Roth



Eileen Tennor



Erica Zoren

**APPROVED** for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor  
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.