

IN THE MATTER OF
THE APPLICATION OF
BERT WILSON

* BEFORE THE
* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL
FOR EXTERIOR ALTERATIONS
AT 8060 MAIN STREET
ELLICOTT CITY, MARYLAND

* HISTORIC PRESERVATION
* COMMISSION
* Case No. 19-16

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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 May 1, 2019 to hear and consider the application of Bert Wilson (“Applicant”), for a Certificate of Approval for exterior alterations at 8060 Main Street, 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 May 1, 2019 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. There was no testimony.

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 and is listed on the Historic Sites Inventory as HO-98, McLaughlin-Campbell-Laumann Building. According to the Historic Sites Inventory form, the building was constructed circa 1831-1832.

B. Proposed Improvements

The applicant, Bert Wilson, requests a Certificate of Approval and Tax Credit Pre-Approval to install flood windows and door on the lower level of the building and repoint the granite.

The building sustained damage in the 2016 and 2018 floods. The applicant proposes to install Masterdor Craftsman manufactured flood door and windows, with reinforced framing, to provide protection from another potential flood. The door will be in the Arden style, which is a 4-paneled door with the option for two lights or two panels at the top. The proposed color for the door is Whitby Jet, a black color, which will match the previously existing and approved door color.

The mortar was damaged in the 2018 flood. The applicant proposes to repoint the granite first floor, with the mortar to match the existing.

C. Staff Report

The applicant confirmed that the windows will be a 6:6, to match the previously existing, although the example photo in the application shows 1:1. The replacement windows comply with Chapter 6.H recommendations, “when repair is not possible, replace original windows, frames and related details with features that fit the original openings and are of the same style, material, finish and window pane configuration. If possible, reproduce frame size and profile and muntin detailing.” The new windows will be a different material and the design will be slightly different since these are flood windows, but the color and window pane configuration will match the previously existing. The existing windows are not historic and were replaced after 2009/2010 rehabilitation of the building.

The replacement of the door complies with Chapter 6.G recommendations, “...if documentary evidence of the original doors is available, choose a new door similar to the original. Otherwise, use a door appropriate to the period and style of the building.” The previously existing door was a half-light over two panel and the applicant now proposes to use a 4-panel door with 2 lights at the top. It would be more historically appropriate for the 2 lights to be 2 panels, however, natural light is desired. The new door will also be a flood door and designed to protect the building during a flood event.

Chapter 6.C recommends, “maintain or restore granite buildings, foundations, steps, lintels, sills, fence posts and retaining wall” and “maintain or restore original brick, stone, concrete block or stucco. Make repairs with materials that match the original as closely as possible.” The in-kind repointing of the mortar on the granite complies with the Guidelines.

D. Staff Recommendation

Staff recommends the HPC approve the application for paneled flood doors with two plain lights at the top, 6:6 flood windows and repointing of the granite.

E. Testimony

Mr. Shad asked if anyone in the audience wished to present testimony. There was no one in the audience who wanted to testify.

F. Motion

Ms. Tennor moved to approve. Mr. Roth seconded. The motion was unanimously approved.

Conclusions Of Law

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

A. Standards of Review

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

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

Section 16.607(c) of the Code further provides:

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

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 6 sets forth the relevant recommendations for Rehabilitation and Maintenance of Existing Buildings, 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.

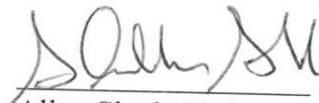
The Applicant proposes to install new windows and a door on a historic building. The new windows will be similar to the existing modern windows in design, 6:6. The new windows will also aid in protecting the structure during flood events. The new 4-panel door with two lights at the top will replace the existing door, which was a half-light over two panel. The new door is historically appropriate and will also aid in flood prevention, helping to preserve the historic building.

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

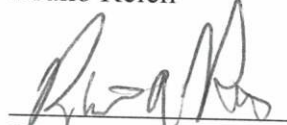
ORDER AND CERTIFICATE OF APPROVAL

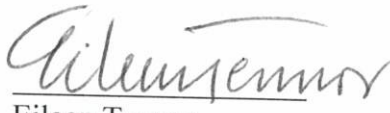
Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 6 day of June, 2019, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED**.

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**


Allan Shad, Chair


Bruno Reich



Drew Roth


Eileen Tennor


Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW


Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
HOWARD COUNTY DEPARTMENT	*	HOWARD COUNTY
OF PUBLIC WORKS		
	*	HISTORIC PRESERVATION
FOR A CERTIFICATE OF APPROVAL		
FOR EXTERIOR ALTERATIONS AND	*	COMMISSION
REPAIRS IN THE VICINITY OF		
3850 NEW CUT ROAD AND	*	Case No. 19-17
3776 ST. PAUL STREET		
ELLICOTT CITY, MARYLAND	*	

* * * * *

DECISION AND ORDER

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on May 1, 2019 to hear and consider the application of Howard County Department of Public Works (“Applicant”), for a Certificate of Approval for exterior alterations and repairs at the vicinity of 3850 New Cut Road to 3776 St. Paul Street, 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 May 1, 2019 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. A representative for 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, but does not contain any structures.

B. Proposed Improvements

The applicant, Howard County Department of Public Works, requests a Certificate of Approval to make repairs and alterations along 600 feet on the east side of New Cut Road, south of College Avenue. The repairs are needed for the stabilization of the banks of the New Cut tributary into Ellicott City, which were destabilized in the May 30, 2018 flood. The repairs and alterations include:

- 1) Removal of debris located at the confluence of the New Cut and Tiber/Hudson Branch.
- 2) Construction of two retaining walls.
- 3) A water main replacement.
- 4) Removal of 28 trees that have a diameter breast height (DBH) of 12 inches or greater.

The application contains the following explanation of the necessary repairs:

“The “area 2” wall will be a modular unit wall with a maximum height of 13 feet and an imbricated large stone wall will be constructed in front of the modular wall to retain historic aesthetic. The “area 4” wall is a pile and caisson with precast concrete lagging panel wall with an imbricated wall constructed in front to retain the historic aesthetic. The stream bank along the east side of the New Cut Branch and up to the edge of New Cut Road will need to be fully cleared for access and construction. The area will be re-graded at 1:1.5 to 1: 2 slopes to tie grades in at the shoulder of New Cut Road. These slopes are proposed to be stabilized with class 1 riprap. The visible riprap will be natural rock, river rock or material obtained during the debris removal to retain the historic quality.”

C. Staff Report

The removal of trees is proposed so that the stream banks can be stabilized, and the roadway repaired from the damage caused by the May 2018 flood. The Guidelines do not currently address situations such as these. Chapter 9.B recommends against the “removal of live mature trees, unless it is necessary due to disease or to prevent damage to historic structures.” In this instance, the removal of the live mature trees is needed to repair flood damage that resulted in the collapse of major portions of the roadway and stream banks. Tree T-088 is a 53-inch American Sycamore, but as shown in the application, has been very compromised by the erosion and is located at the base on the stream. Tree T-097 was erroneously marked to be removed in on the chart but is correctly shown in the map to remain. The applicant stated via email that they will be maintaining an old stone structure located adjacent to the wall.

The construction of the retaining walls is necessary to repair the damage from the May 2018 flood. The use of the imbricated wall in front of the two retaining walls complies with

Chapter 9.A, “maintain and reinforce natural landscape elements, such as rock outcroppings, water courses...” and Chapter 9.D recommendations, “construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.”

The clearing of the stream is necessary due to the amount of debris that was created from the May 2018 flood and complies with Chapter 9.A recommendations. Main Street is located at the bottom of the stream and this debris would eventually end up downstream and could cause further damage to buildings if not removed.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted.

E. Testimony

Mr. Shad swore in Mark Richmond from the Department of Public Works, Bureau of Environmental Services. Mr. Shad asked if anyone in the audience was in opposition to the case. There was no one in the audience who wanted to testify. Mr. Shad asked if he had any corrections or additions to the staff report. Mr. Richmond stated he had no comments on the staff report but could speak to any questions the Commission had.

Mr. Richmond explained that DPW will be filling in and tying into the existing grade and explained there will be two sections of wall. Mr. Reich stated that some of the wall elevations are very high and asked if both walls will be imbricated. Mr. Richmond stated both concrete walls will have an imbricated face in front of it.

Mr. Reich said he was trying to get a sense of how these plans change the stream channel and said that the 160 foot wall is being built out in front of the embankment and will make the stream look different. Mr. Richmond explained that due to the 2018 flood damage,

it is now a raw earthen wall, so it will look different. He said the overall height of the slope will be the same because there is a set road height.

Ms. Tennor asked how much of the length of the wall will be topped by the chain link fence and what is the extent on the plan. Mr. Richmond referenced sheet 23 of the plan, and said the chain link fence will run the entire length of the wall.

Mr. Reich asked if the tall wall will be visible from the roadway side. Mr. Richmond responded that both walls are along the roadway side, so they would be most visible from across the stream. He said the main point of the project is to keep the road from collapsing and ending up in the channel. Mr. Reich and Mr. Richmond discussed the visibility of the wall from the roadway.

Ms. Tennor referenced sheet 27, stating that the masonry wall has a curve in the top left of the sheet. Mr. Richmond stated that no one would be able to see the curve as the concrete wall will be behind the imbricated wall and explained to the Commission how the sheet piling and concrete lapping strips for the panels would work in the grooves.

Ms. Tennor asked if DPW would be replacing the trees that they will be removing. Mr. Richmond stated not at this time. Mr. Roth asked about Tree #88 being removed from the site. Mr. Richmond explained that the concrete wall will be behind the tree but excavation for the wall will impact the trees roots. He stated the tree will be in the way of the imbricated wall and once the wall is built it will be harder to get to the tree if it falls down or if access for tree maintenance is required.

F. Motion

Mr. Reich moved to approve the application as clarified, with the retention of T-097. Mr. Roth seconded. The motion was unanimously approved.

Conclusions Of Law

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

A. Standards of Review

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

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

Section 16.607(c) of the Code further provides:

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

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 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 made necessary by the second catastrophic flood in Ellicott City in two years, on May 27, 2018. The flood caused damage to the streambanks of the New Cut tributary, which in turn undermined support for New Cut Road. The Applicant proposes work in the stream bed to stabilize its banks and to support the roadway. As a necessary element of that work, several trees will need to be removed. Although removal of live trees is disfavored, here the tree removal is required for a major public works project that will allow the restoration of a primary access road to the Historic District, New Cut Road. In addition, the removal of debris and restoration of stream will aid in prevention of future flood damage. Although not readily visible from the public way, the walls to be constructed to support the stream will be faced with natural stone, as with other stream walls recently constructed in the Historic District and reminiscent of the many stone walls found throughout Ellicott City.

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 June, 2019, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations and repairs at the Subject Property, is **APPROVED**.

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



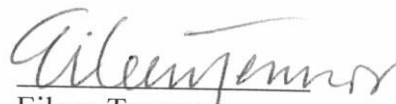
Allan Shad, Chair



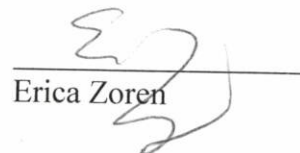
Bruno Reich



Drew Roth




Eileen Tennor



Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor
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 DEPARTMENT	*	HOWARD COUNTY
OF PUBLIC WORKS	*	
	*	HISTORIC PRESERVATION
FOR A CERTIFICATE OF APPROVAL	*	
FOR PARTIAL DEMOLITION	*	COMMISSION
AT 8125 MAIN STREET	*	
ELLICOTT CITY, MARYLAND	*	Case No. 19-18

* * * * *

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 May 1, 2019 to hear and consider the application of Howard County Department of Public Works (“Applicant”), for a Certificate of Approval for partial demolition at 8125 Main Street, 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 May 1, 2019 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. A representative for 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 articles from the Ellicott City Times, the building was constructed in 1926 and was designed by architect Stanislaus Russell of Baltimore.

B. Proposed Improvements

The applicant, Howard County Department of Public Works, requests a Certificate of Approval for a partial demolition of damaged portions of the rear of the building and the temporary stabilization of the remaining portion.

The application contains the following explanation:

This structure suffered severe damage due to the flood of 2018. Much of the rear portion of the building is in structural failure. In order to preserve the "character defining elements" most closely associated with the building, partial removal of the rear of the building is proposed. This application does not seek to remove the entire structure, but seeks to remove portions which are unstable and could further undermine or harm the remainder. The goal of

this application is to propose an economically feasible plan to preserve the remainder of the structure per Chapter 12 of the Ellicott City Historic District Design Guidelines, “Demolition and Relocation.”

The rear portion of this building was severely damaged by the 2018 flood and requires immediate attention. The front portion of the building, while currently standing, was also damaged by the flood and stands risk of further potential damage in its current state.

The proposed work includes a base scope of work and four alternate scenarios.

Base Scope

The base scope of work includes the work that must take place:

- 1) Removal of the building between the southern brick wall parallel to the stream channel, to the northern brick wall of the original second floor. Roofing, roof framing, remaining exterior walls on the east and west side of the building over the stream channel, will be removed.
- 2) Removal of the concrete floor deck spanning the stream channel, along with its supporting beams (this floor is currently in structural failure).

The application explains that “a substantial portion of the roof is also in structural failure and at risk of collapse” and that “much of the west wall collapses during the flood and the remaining portion is unsound and at risk of further collapse.”

Alternate 1

Alternate 1 includes removal of the southern brick wall (the rear of the building). The application states that this scenario would be exercised “if it is determined that it is not structurally feasible to preserve the wall as it currently stands. If it is determined that it is not possible to preserve the wall as is in its current state, the wall will be removed, and the existing tiered concrete retaining wall structure to the south will remain.” In this scenario, if the wall

must be removed, the windows would be removed from the wall and stored offsite for future re-use.

Alternate 2

Alternate 2 includes removal of the southern (second floor) rear brick wall, including associated support girder and columns. The application explains that the second floor currently appears to be supported by a large steel girder, setting directly below or engaged to the brick wall above and that “of concern at this time is that it appears this major supporting beam and columns above extend slightly over the northern wall of the stream channel.” The application explains that if this structural element extends out into the stream channel, the goal “would be to remove any portion of the building that extends over the stream channel, to reduce the risk of the structure being contacted by water or other debris that could potentially flow downstream in a rain event.”

Alternate 3

Alternate 3 includes constructing a temporary rear building enclosure parallel to the southern stream channel wall. The application explains, “after demolition of the base scope and subsequent approved add-alternates are complete, a temporary building enclosure wall will be constructed at the back of the remaining building parallel to the stream channel. This enclosure will be constructed of dimensional lumber framing, with plywood facing and intended to solely enclose the remaining building envelope from exposure to adverse weather conditions, namely rain. This enclosure is intended to be solely temporary, to assist with preservation of the remainder of the building, until full engineering and architectural design can be undertaken. The exposed face of the wall will be treated with a fluid-applied weather-resistive barrier, finished in a cream or gray color.”

Alternate 4

Alternate 4 includes constructing a temporary front building enclosure parallel to Main Street at the first floor level. The application explains, “this enclosure will be constructed of dimensional lumber framing, with plywood facing, and intended to solely enclose the remaining building envelope from exposure to adverse weather conditions namely rain...The plan for this enclosure would be to follow the footprint or plan of the original façade as closely as possible. The enclosure would extend from sidewalk level to the underside of the remaining second floor, and permit the removal of the current plywood wall, as well as reconstruction of the full width of the sidewalk...To support the temporary enclosure, a new concrete grade beam or slab will be constructed. This will be held below sidewalk level/below finish floor level, to allow future permanent construction above.” The damaged transom on the east side of the building will be repaired. Unsupported copper roofing/trim and decorative elements will be removed and salvaged for reinstallation later.

C. Staff Report

Section 300-306 of the Commission’s Rules of Procedures outlines rules to guide the HPC in review of proposals for the demolition or relocation of structures in historic districts. Section 302 states that before the Commission acts on an application for demolition or relocation, they shall determine whether the structure is a Structure of Unusual Importance, which is defined as:

- 1) Structures deemed by the Commission to be of unusual importance to the Nation, State or County, whose loss would cause great damage to the character and integrity of the historic district.
- 2) Determination that a structure is a Structure of Unusual Importance shall be based on criteria in its adopted guidelines, the testimony of expert witnesses or other documentary evidence presented to the Commission.

Section 303 of the Rules provides applicable guidance if the Commission determines the structure is of Unusual Importance. Staff recommends the HPC consider the structure to be of Unusual Importance, but acknowledges that the request for demolition is the portion of the building over the stream channel. The portion of the building over the stream channel was already rebuilt after the 2016 flood and as shown in the submitted photographs, was severely damaged in the 2018 flood as well. The character defining portion of the building is the front façade, and removal of the proposed portion will aid in the preservation of the façade. The rear wall of the building, which the applicant intends to save if possible, is the only other remaining historic piece of the building aside from the front façade. The removal of the proposed portion over the stream complies with Rule 303.B.1.a, which would benefit the County by removing an impediment in a future flood scenario. The applicant has provided documentation sent from Howard County Department of Inspections, Licenses and Permits that show concerns for the structural stability of the building.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted for approval of the base scenario and all alternates.

E. Testimony

Mr. Shad swore in Robert Hollenbeck from the Department of Public Works. Mr. Shad asked if there was anyone in the audience who was in opposition to the application. There was no one in the audience who was in opposition. Mr. Hollenbeck stated his role with the project as the project manager and explained that the County acquired the building on April 10, 2019, but had gained right of entry before that date and DPW had a team of structural engineers and architects examine the building. Mr. Hollenbeck said there are immediate concerns of the structural integrity and the work currently proposed is to maintain character defining elements

that remain intact on the structure and to mitigate the potential for collapse. Mr. Hollenbeck explained the damage that occurred to the building from the 2018 flood and the current condition of the building.

Mr. Hollenbeck explained the base scope of the plan is to remove the portion of the building directly over the stream channel, and depending on the stability of the building there were four alternate scenarios. He explained that some of the alternates may not be structurally necessary, but based on the state of the building they are not able to fully assess whether it is structurally necessary because it is unsafe or it is unknown unless they do destructive demolition that would cause further impact to determine.

Mr. Hollenbeck gave overviews of the alternates. He said that Alternate 1 is the removal of the southern brick wall on the rear of the building, on the far side of the stream channel opposite Main Street. They would like to leave it in place if structurally feasible, but want to seek approval if it is not possible. He said that Alternates 2 and 3 are associated with one another. Alternate 2 includes removing a portion of the brick wall on the second floor of the building at the rear. He said that Alternate 3 includes temporary weathertight enclosure at the rear of the building and would take place after the demolition work. He explained that Alternate 4, is temporary enclosure parallel to Main Street, to replicate the perimeter of the former façade that washed away, which could be in place for a year or two.

Mr. Roth asked if Alternate 4 would be done regardless of the need to do Alternates 1, 2 or 3. Mr. Hollenbeck confirmed that was correct. Mr. Shad asked with Alternate 1, the removal of the southern brick wall, if the intention was to retain the wall if possible. Mr. Hollenbeck stated if it was possible to retain the wall, DPW would do that. Mr. Shad asked what the intended use of the wall would be if it remains. Mr. Hollenbeck stated the Master

Plan process could be involved with the treatment of the space in the future and determine if they want the wall to stay, if it does not need to be removed for structural reasons.

Mr. Shad asked if there would be anything built over the stream channel where the building is currently standing. Mr. Hollenbeck stated that nothing would be constructed over the channel.

Mr. Roth stated he felt the plan was a great attempt to save as much of the building as possible. Mr. Reich stated that anything historic that is removed from the building should be saved. Mr. Reich asked what would happen if a flood took place during this process. Mr. Hollenbeck stated that DPW intends to work as quickly as possible to remove the portion of the building that is in danger of collapse. He said he has the contractors lined up and they are ready to start once the Decision and Order is signed and they get approval from DILP.

Mr. Taylor explained to the HPC that there are a few steps the HPC needs to go through before they can make a motion. Mr. Taylor asked if the applicant believed retention of the structure is a threat to public safety. Mr. Hollenbeck said the structure is in danger of collapse, so it is a threat.

Mr. Taylor explained the various findings the Commission needed to make, per the Rules of Procedure.

Mr. Roth stated that the structure is of Unusual Importance, but the work will enhance the value of the building.

F. Motion

Mr. Roth moved to approve the proposal as submitted on the basis that this is a Structure of Unusual Importance due to its contribution to the Main Street façade and the work proposed preserves the value of the structure by removing damaged elements in danger of

collapse and by removing damaged parts of the structure that threaten the structure as a whole.

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 12 sets forth the relevant recommendations for Demolition and Relocation, 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 and is a structure of unusual

importance. 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 partial demolition of a historic building in the heart of the Ellicott City Historic District. Part of the building is built out over the Tiber River and has been severely damaged twice, in the Floods of 2016 and 2018. Retention of the entire structure would be a threat to public safety. Therefore, the Applicant proposes a partial demolition that will remove mostly modern construction over the River, to preserve as much of the historic part of the building as possible. Accordingly, the Applicant has constructed a plan with alternatives aimed at preserving as much of the structure as possible. The primary façade of the structure is its most important historic characteristic and will be preserved. Because the partial demolition of the rear of the building built out of the River is necessary for the preservation of the primary façade, and to reduce flooding that threatens other historic structures, the proposed work will enhance the historic value of the structure and the surrounding area,

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

ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 6 day of June, 2019, **ORDERED**, that the Applicant's request for a Certificate of Approval for partial demolition at the Subject Property, is **APPROVED**.

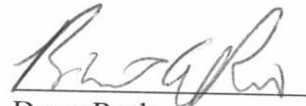
**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



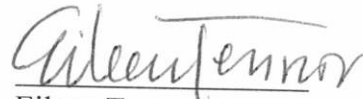
Allan Shad, Chair



Bruno Reich



Drew Roth



Eileen Tennor



Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor
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		
KRIS JAGARAPU, HOWARD COUNTY	*	HOWARD COUNTY
DEPARTMENT OF PUBLIC WORKS		
	*	HISTORIC PRESERVATION
FOR A CERTIFICATE OF APPROVAL		
FOR APPROVAL TO INSTALL SIGNS	*	COMMISSION
IN HISTORIC ELLICOTT CITY,		
ELLICOTT CITY, MARYLAND	*	Case No. 19-19

* * * * *

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 May 1, 2019 to hear and consider the application of Kris Jagarapu of the Howard County Department of Public Works (“Applicant”), for a Certificate of Approval to install signs on utility poles throughout Historic Ellicott City, as detailed herein (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 May 1, 2019 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

Summary of Testimony

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

Findings of Fact

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

A. The Subject Property

The proposed locations are in the Ellicott City Historic District.

B. Proposed Improvements

The applicant, Kris Jagarapu from Howard County Department of Public Works, requests a Certificate of Approval to install signs in the vicinity of Parking Lots B, C, D, E, F, G and in the vicinity of: 3700 Mulligans Hill Road, 8049 Main Street, 8081 Main Street, 3829 Church Road, 8197 Main Street, 8210 Main Street, 8340 Main Street and 3721 Hamilton Street.

The signs will consist of two types: an informational sign and a high ground sign. The informational sign will be 18 inches wide by 24 inches high, totaling three square feet. The high ground sign will be 12 inches high by 12 inches wide, totaling one square foot. Both signs will be metal signs and will have a yellow/gold background with black text. The informational sign contains instructions regarding the public outdoor emergency alert system

and what to do during a flood event. The high ground sign reads on two lines, “high ground” and has an arrow pointing up with the graphic of waves and a person.

The submitted map shows that 14 information signs will be installed, but only 13 are located in the Ellicott City Historic District, as one will be located in Parking Lot A in Oella (Baltimore County). The map shows there will be 15 high ground signs installed.

The map details the installation method of each sign. The signs will not be installed on any buildings; they will either be located on new poles, existing poles, street light poles or on a fence (in one situation).

C. Staff Report

Chapter 11.D explains that “the location and design of traffic control signs (e.g. stop signs and speed limit signs) are strictly standardized and do not require Commission review” but that informational signs must be approved. The proposed signs were created specifically to address flooding in Ellicott City and do require HPC approval. The signs comply with Chapter 11.A recommendations, “use simple legible words and graphics” and “keep the letters to a minimum and the message brief and to the point. In many cases, symbols or illustrations that communicate the nature of the business can be used.” The signs will only consist of two colors, which complies with Chapter 11.A recommendations to “use a minimum number of colors, generally no more than three.”

The application also complies with Chapter 11.D recommendations, “use directional and information signs conservatively, in locations that will maximize their effectiveness. Limit the number of freestanding poles to minimize streetscape clutter.” The applicant is using existing poles as much as possible and limiting the installation of new poles when possible.

The high ground sign does not currently have a black border around it, as many other traffic and street signs do, including the proposed information sign. Chapter 11.A states, “trim around the perimeter of a sign adds visual interest.”

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted, but add a black border around the high ground sign.

E. Testimony

Ms. Shad swore in Kris Jagarapu from the Department of Public Works, Division of Highways. Mr. Shad asked if anyone in the audience wished to present testimony. There was no one in the audience who wanted to testify. Mr. Shad asked if he had any corrections or additions to the staff report. Mr. Jagarapu stated the DPW in collaboration with Police, Fire and Rescue, and Emergency Management have been working together on this plan of how to notify pedestrians to seek higher ground. The application includes two separate types of signs, but both are black lettering on yellow background, similar to signs installed on county roadways. Mr. Jagarapu explained that there are requirements for colors DPW use and these signs comply with their guidance of colors used for warning traffic control devices. The High Ground Access sign was specifically made for this location. Mr. Jagarapu said that the signs should be simple and easy to understand for pedestrians to comprehend when they see the signs.

Mr. Reich asked where the locations of the signs will be placed. Mr. Jagarapu explained that he included maps with blue and red marked locations in his submittal, the blue representing the larger info sign and the red representing the high ground access sign. Mr. Jagarapu noted that some of the signs will be placed together and that DPW tried to use

existing poles to place the signs as much as possible, although in some locations they will need to install new poles. Mr. Jagarapu said that DPW previously converted all of the posts to be of black metal and any new posts will be the same.

Ms. Tennor stated the plan indicates the location of the signs and said that she assumes the photos show the orientation of the sign when it is being looked at. Ms. Tennor suggested that for the Information Sign 1, to move the sign to a location within the parking lot where people would be exiting on foot, as the size of the sign is not readable for vehicles entering the lot. Mr. Jagarapu explained that the location for sign 1 would be banded to the pole closer to the sidewalk so pedestrians walking by can see it. He said the sign will face the way the pedestrians are walking and the idea is to orient the sign so that most pedestrians will see the sign, not the vehicles. Ms. Tennor noted that the base of the sign will be pointed toward the roadway.

Ms. Tennor said that the signs can be simplified as some of the information on them has been repeated. She sketched up a simplified sign for DPW's consideration and Ms. Holmes handed it to the applicant. Mr. Jagarapu explained that there had been multiple versions of the sign that the team came up with. He said the team had to weigh information versus being concise and that most of the suggestions Ms. Tennor came up with were comments that DPW looked into, along with sequencing of the messaging. He said that the signs before the Commission are the consensus of multiple County Departments.

Ms. Tennor stated there are a few instances where stacking three signs high may bring the third sign too low. Mr. Jagarapu stated DPW has rules about sign stacking and requirements to follow with clearances to maintain, for example if one is walking by a sign,

that person should not bump into or get hurt by it. He said that DPW picked the locations based on those rules.

Ms. Tennor said that there are sign locations when you will want people to go left versus right and it would be helpful to reverse the graphic so that the image of the man running is going in the direction that you want people to go in order to escape the high water. Mr. Jagarapu stated DPW could consider that and said the signs are fabricated by in-house staff so developing correctly oriented signs would be easier to control.

Mr. Reich asked about sign clustering where Old Columbia Pike meets Main Street and how that would work. Mr. Jagarapu said DPW would orient the high ground access signs to point pedestrians in the locations they need to go, as the information sign and high ground access sign will be on different posts. Mr. Reich clarified that the south side of the road would point pedestrians to go up to Old Columbia Pike and the north side of the road up to Church Road. Mr. Jagarapu said that was correct.

Ms. Tennor made some comments for DPW to consider on how to achieve the signs being installed in the correct direction. Mr. Jagarapu stated the DPW work orders include specific sign orientation for each sign is required. DPW also does a walk through with the sign crews before the signs are installed.

Ms. Zoren stated she agreed with staff comments about adding a border to the high ground access sign and the directionality of the high ground access signs as Ms. Tennor had pointed out. Ms. Zoren also said the informational sign is wordy and “Flash Flooding” should be bigger if possible, as bigger lettering would catch one’s eye. Ms. Zoren suggested a size hierarchy for the lettering on the signs. Mr. Jagarapu stated DPW considered a border around the high ground access sign, but it would make the symbols smaller as the size of the sign will

be a standard 12' x 12'. He said that DPW can look at the size of the text with adding the border versus not adding it if it is critical to the application.

F. Motion

Mr. Roth moved to approve the proposal as submitted with the option of using the Staff or Commission recommendations detailed herein. Ms. Tennor seconded. The motion was unanimously approved.

Conclusions Of Law

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

A. Standards of Review

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

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

Section 16.607(c) of the Code further provides:

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

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 11

sets forth the relevant recommendations for Signs, as detailed in the Findings of Fact, part C.

B. Application of Standards

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

The Applicant seeks to install several informational signs to direct people to safety in the event of flooding in the Historic District, which has been severe and life-threatening on two occasions in the past three years. The signs comply with Guidelines recommendations to use minimal colors and simple legible words and graphics. Additionally, the signs will not be located on historic structures and will primarily be located on existing utility poles.

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 June, 2019, **ORDERED**, that the Applicant's request for a Certificate of Approval to install signs at the Subject Property, is **APPROVED**.

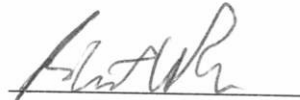
**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



Allan Shad, Chair



Bruno Reich



Drew Roth




Eileen Tennot



Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
GREG BUSCH	*	HOWARD COUNTY
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
FOR EXTERIOR ALTERATIONS AND		
RETROACTIVE APPROVAL	*	COMMISSION
AT 8472 HILL STREET		
ELLICOTT CITY, MARYLAND	*	Case No. 19-21

* * * * *

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 May 1, 2019 to hear and consider the application of Greg Busch (“Applicant”), for a Certificate of Approval for exterior alterations and retroactive approval at 8472 Hill Street, 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 May 1, 2019 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 1872.

B. Proposed Improvements

The applicant, Greg Busch, requests a Certificate of Approval for:

- 1) The retroactive removal of the historic decorative masonry block wall.
- 2) The installation of two-rail post and rail fence.
- 3) The renovation of the front brick stoop and knee walls.

The application explains that the wall was damaged in October 2016 after a water main broke and flooded the street. The application states that the wall was removed in March 2018 as an emergency repair as it had begun to lean precariously. The applicant seeks retroactive approval for the removal of the wall. In place of the wall, the applicant proposes to install a two-rail, post and rail fence. The fence would be located along the street, in the same location as the wall.

The renovation of the front brick stoop will involve removal of the brick knee walls and the two brick steps in front of the landing. The steps would be replaced with salvaged grey granite steps that are 6 feet long by 16 inches wide. The stucco and wood on the house that was damaged by the bricks will be repaired. The brick knee walls have shifted overtime and are damaging the house.

C. Staff Report

The removal of the masonry block wall required HPC approval and there was sufficient time between when the damaged and removal occurred to have obtained approval.

Regarding the request for a two-rail post and rail fence, Chapter 9.D states, “a simple, painted picket fence is suitable for many of the district’s residences. A basic picket fence has either a half-round or half-octagon shape at the top, which a frame picket fence is topped by a railing. Split rail or post and rail fences are more appropriate in less densely developed areas such as upper Church Road, Sylvan Lane and Park Drive. Solid board fences have been used since colonial times and are currently found enclosing side or rear yards in a few areas of the historic district.” The use of a two-rail post and rail fence on Hill Street is not consistent with the guidelines. It is not compatible with the Italianate style of architecture. A white picket fence would be the most compatible fencing type for this house given the location.

Chapter 9.D recommends, “install open fencing, generally not more than five feet high, of wood or dark metal. Use closed wood fences only for side and rear yards in areas where a precedent exists. Construct closed wood fences of painted vertical boards, with straight or angled rather than scalloped tops.” Chapter 9.D states the following is considered Routine Maintenance, “installing wood picket fencing, painted white and no more than three feet high, in the side or rear yard of a residence.”

D. Staff Recommendation

Staff recommends the HPC make a retroactive determination for either approval or denial of the wall.

Contingent upon the determination of the wall, Staff recommends the HPC recommend the applicant amend the application to request approval of a white picket fence, rather than a two-rail, post and rail fence.

E. Testimony

Mr. Shad swore in Greg Busch. Mr. Shad asked if anyone in the audience who was in opposition to the application. There was no one in the audience who wanted to testify. Mr. Shad asked if he had any corrections or additions to the staff report. Mr. Busch stated that Hill Street and Merryman are a loop and at the crest of that loop he finds that Hill Street is more woodsy and wild, not like the area closer toward Main Street. Mr. Busch said that he is requesting 60 feet of fence, but that he has 100 feet of property facing the street, which is not manicured lawn. Mr. Busch stated that a picket fence would not match with his woodsy aesthetic, as a picket fence is prim and proper.

Ms. Tennor stated it was a shame to have lost the wall, although she understands that it was falling down. She asked for clarification if it was just the picket fence that Mr. Busch didn't like, or the white picket fence with the house. Mr. Busch stated that the fence would look very nice in front of the house, but the back yard is more rustic.

Mr. Reich asked if Mr. Busch needed a fence. Mr. Busch said that he does need a fence as he has two small children, but he would be willing to put in hedges as an obstruction to keep the kids contained. Ms. Tennor asked if a two-rail fence would keep the children in. Mr. Busch explained that part of his concern with the wall was that his son was going to pull the wall down on himself, so he needs a barrier to keep him in.

Ms. Zoren stated she agreed with staff recommendations with the more formal version of some sort of fence. She said the wall was extremely formal, and the Commission should

respect the look of the house with a picket fence, a hedge, or a metal rail, but felt the two-rail fence was inappropriate. Ms. Zoren asked if the front stoop was going to be brick. Mr. Busch stated he would be keeping the stoop brick. Ms. Zoren asked if there was brick anywhere else on the house. Mr. Busch stated there was brick on the patio behind the house and on the stairs leading to the parking pad, but the stairs are in disrepair. Ms. Zoren stated that brick might stand out too much and suggested using granite infill or bluestone to make it a better blend, which could be approved by staff.

Mr. Busch asked about putting brick on the sidewalk too. Mr. Busch stated the house across the street has brick sidewalks without mortar, and a granite curb running along the outside. Mr. Busch would like to do something similar. Mr. Busch stated he could put brick on the sidewalk to tie in better. Ms. Zoren stated that may work, having a little bit of brick alone surrounded by white draws one's eye to it. Ms. Holmes said the architectural historian thought the brick stoop was installed in the 1960s. Mr. Busch explained that the front was an addition. Ms. Tennor asked for clarification on the knee walls; she said they are sinking and causing damage and she asked if the Applicant was going to keep them in place. Mr. Busch stated that he was asking to remove the knee walls.

Ms. Tennor asked if Mr. Busch would consider putting a picket fence on a portion of the property line on the front of the house and transitioning to a hedge to get away from the 2-rail fence. Mr. Busch stated he would rather have a wrought iron fence and transition to a hedge. Mr. Reich stated anything but a split rail would be better. Mr. Busch asked about using post and rail. Mr. Reich stated that the Commission would have a hard time with that and suggested Mr. Busch return with another idea. Mr. Busch suggested a hedge. Mr. Reich asked the type of hedge. The Commission and Mr. Busch discussed the various types of hedges. Ms.

Holmes stated a formal boxwood hedge would be more appropriate for the house. Ms. Zoren stated to consider the maintenance of any hedge. Mr. Reich suggested the fence be tabled.

Mr. Taylor asked the Applicant if he intended to withdraw the fence application. Mr. Busch said he was unless he could get approval of a holly hedge, and if he changed his mind, he would come back with another idea. Mr. Taylor advised the application could go through the Minor Alterations process. Ms. Holmes requested the Commission's guidance on what type of hedge should be approved. Mr. Roth stated a manicured and noninvasive hedge.

F. Motion

Mr. Reich moved to approve for modifications for the front stoop and retroactive approval of the removal of the wall. Mr. Roth seconded. The motion was approved 4 to 1, Mr. Shad opposed.

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 seeks retroactive approval for the demolition of a historic decorative masonry block wall as well as approval for the renovation of the front brick stoop and knee walls. He withdrew his request for a fence, which will be renewed at a later time.

It is unfortunate that the historic block wall was removed without Commission approval. The Guidelines recommend retaining historic features such as the wall. However, the Applicant testified that the wall had been badly damaged during storm events and was in danger of falling over, so he removed it for safety reasons. Although, the request for approval should always occur prior to removal to ensure that all options are considered for historic preservation, in this limited instance, the Commission approves the removal of the wall based on the damage asserted by the Applicant.

The Applicants proposal to repair the front stoop and remove the knee wall is in accord with Guideline recommendations. The existing brick knee walls are damaging the historic house so they will be moved and the stucco and wood on the house repaired in-kind. The bricks on the front stoop will be replaced with salvaged grey granite steps that are 6 feet long by 16 inches wide. The granite steps are common through the Historic District and in keeping with the historic and architectural appearance of the house.

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 4 to 1, it is this 6 day of June, 2019, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations and retroactive approval at the Subject Property, is **APPROVED, as amended and detailed herein.**

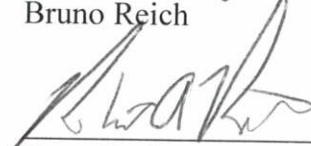
**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



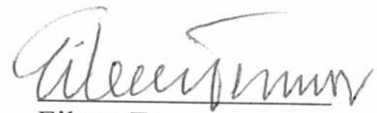
Allan Shad, Chair



Bruno Reich



Drew Roth



Eileen Tennor



Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.

IN THE MATTER OF
THE APPLICATION OF
EDWARD FORTUNATO

* BEFORE THE
* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL
FOR EXTERIOR ALTERATIONS
AT 3626 CHURCH ROAD
ELLICOTT CITY, MARYLAND

* HISTORIC PRESERVATION
* COMMISSION
* Case No. 19-22

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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 May 1, 2019 to hear and consider the application of Edward Fortunato (“Applicant”), for a Certificate of Approval for exterior alterations at 3626 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 May 1, 2019 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

Summary of Testimony

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

Findings of Fact

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

A. The Subject Property

This property is located in the Ellicott City Historic District. According to SDAT the building dates to 1920.

B. Proposed Improvements

The applicant, Edward Fortunato, requests a Certificate of Approval to replace the storm windows and gutters and downspouts.

The proposed storm windows would be Larson Low-E aluminum storm windows in white to replace the silver anodized storm windows on the house. There are 14 windows needed on the first floor and 15 needed on the second floor. Spec sheets of the proposed products were not provided.

The proposed gutters and downspouts would be white 6-inch gutters with a leaf smart gutter protection system from Spectra metals, to replace the existing brown gutters and downspouts. The applicant inquired if K-style gutters could be used to replace the existing half round gutters. Spec sheets of the proposed products were not provided.

C. Staff Report

A spec sheet of the proposed storm windows is needed to see the sash pattern. Chapter 6.H recommends, “consider installing interior rather than exterior storm windows if exterior storm windows would significantly detract from the appearance of the building.” If the proposed storm windows are 1:1, they would not detract from the building and would comply with the Guidelines.

Chapter 6.E of the Guidelines recommends, “use gutters and downspouts of painted metal of 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.” K-style gutters are a modern gutter and would be a style change from the existing half round gutters. The existing gutters are located along rooflines and blend into the trim. The downspouts are highly visible against the current siding color. Per last month’s approval, the siding color will be changed to Wimborne White (an off-white/soft gray) and the white downspouts may still stand out against the new color. One possible solution would be to leave the existing downspouts in place and paint them Wimborne White to match the new siding color.

D. Staff Recommendation

Staff recommends the HPC approve:

- 1) Replacement storm windows in a 1:1 sash pattern.
- 2) Replacement of the downspouts in gutters in a half round style to match the existing.

E. Testimony

Ms. Holmes amended the application per the applicant to retract the request for window replacement, the windows will be painted, and the painting approval falls under the previous months application approval. Ms. Holmes stated the request is to remove the brown downspouts and gutters and replace them with 6” round gutters and down spouts.

Mr. Shad swore in Edward Fortunato. Mr. Shad asked if anyone in the audience wished to present testimony. There was no one in the audience who wanted to testify. Mr. Shad asked if Mr. Fortunato had any corrections or additions to the staff report. Mr. Fortunato stated he agreed with the staff report, he is choosing white as it would match the new paint scheme of the structure.

F. Motion

Mr. Roth moved to approve the application as amended. 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, 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.

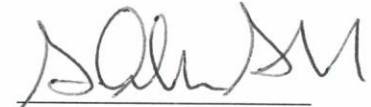
The Applicant proposes to replace gutters in a half-round style to match the existing but painted white instead of the existing brown. The work is in keeping with Guideline recommendations to use a color consistent with the building's exterior walls or trim. The gutters and downspouts will be painted the same white as the siding, which approved in a prior application.

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.

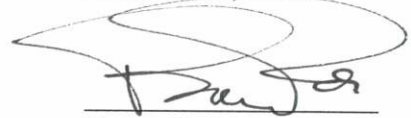
ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 6 day of June, 2019, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED**.

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



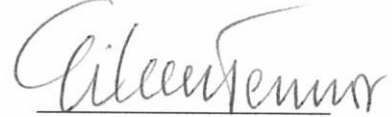
Allan Shad, Chair



Bruno Reich



Drew Roth



Eileen Tennor



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.