

IN THE MATTER OF  
THE APPLICATION OF  
BRIDGET GRAHAM

\* BEFORE THE  
\* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL  
FOR EXTERIOR ALTERATIONS  
AT 8267 MAIN STREET  
ELLICOTT CITY, MARYLAND

\* HISTORIC PRESERVATION  
\* COMMISSION  
\* Case No. 17-28

\* \* \* \* \*

**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 4, 2017 to hear and consider the application of Bridget Graham (“Applicant”), for a Certificate of Approval for Exterior Alterations at 8267 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 4, 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. 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-752. The building dates to 1940.

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

The Applicant proposes to remove the spruce tree that was planted between 2009 and 2011 and has grown quite large in that time. The tree is now blocking the view of the historic building and has also caused safety concerns due to its size and ability to block the view of persons behind it.

The Applicant also proposes to have the lawn area graded, topsoil added, and then sodded in order to repair the damage caused by the July 30, 2016 flood. The front lawn now contains a layer of sand, which is not an ideal condition for growing grass.

#### **C. Staff Report**

Chapter 9.B of the Guidelines states that work that requires a Certificate of Approval includes, "installing or removing landscaped areas in plazas, parking lots, public parks or public rights-of-way. Major changes to the plantings in such landscaped areas, including

planting or removing trees or large shrubs.” The tree is not historic and was only planted sometime within the last 6 to 8 years. The tree has grown quite large and is now blocking the view of the historic Post Office building that now serves as the headquarters for Howard County Tourism and Promotion. The cherry tree, shrubs and other vegetation will remain.

**D. Staff Recommendation**

Staff recommends Approval as submitted.

**E. Testimony**

There was no testimony.

**F. Motion**

Ms. Tennor moved to approve the application as submitted. Mr. Reich 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 Application proposes to remove a tree that was planted 6-8 years ago in front of a historic building. The tree obscures the view of the historic building from the public way and also acts as an obstruction to the view of drivers utilizing the parking area near the historic building. The tree is not historic and its removal will not negatively impact the historic or architectural value of the building. The use of sod and minimal grading to repair the lawn, subsequent to flood damage and the tree removal, while retaining other existing plantings is consistent with the historic appearance of the building.

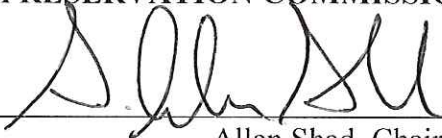
For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not

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.

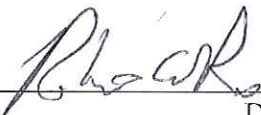
**ORDER AND CERTIFICATE OF APPROVAL**

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 1 day of June, 2017, **ORDERED**, that the Applicant's request for a Certificate of Approval for Exterior Alterations at the Subject Property, is **APPROVED**.

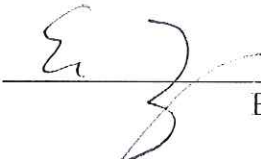
**HOWARD COUNTY HISTORIC  
PRESERVATION COMMISSION**

  
Allan Shad, Chair

  
Bruno Reich

  
Drew Roth

  
Eileen Tennor

  
Erica Zoren

**APPROVED** for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW

  
Lewis Taylor  
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  
KIMBERLY KEPNES

\* BEFORE THE  
\* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL  
FOR EXTERIOR ALTERATIONS  
AT 3744 OLD COLUMBIA PIKE/  
3731 HAMILTON STREET  
ELLICOTT CITY, MARYLAND

\* HISTORIC PRESERVATION  
\* COMMISSION  
\* Case No. 17-30

\* \* \* \* \*

**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 4, 2017 to hear and consider the application of Kimberly Kepnes (“Applicant”), for a Certificate of Approval for Exterior Alterations at 3744 Old Columbia Pike/3731 Hamilton 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 4, 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. 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. The building dates approximately to the 1840s-1850s.

**B. Proposed Improvements**

The Applicant proposes to construct a deck in the rear yard along Hamilton Street/Parking Lot D. A few of the details on the deck have changed from the application that was submitted. The deck will be constructed out of cedar wood stained Cape Cod Gray and will be shaped like a trapezoid and sit on concrete piers 21 inches from the ground. The deck will be 25 feet wide at the back along the parking lot and flare out to 30 feet wide in the courtyard. Excluding the steps, the deck platform will be 10 feet deep. The deck will have open stairs the entire width to create a more natural transition to the yard. The Applicant proposes to use black metal railings with silver horizontal safety rails. The railings will have 42-inch high posts with 36-inch wide cables spaced 3 inches apart. The existing mulched area will be graded as needed in order to construct the deck. The

supplementary information provided to Staff also states that the preferred colors and materials for the deck would be gray stained cedar wood or Trex for the decking and stair top, with black for the riser and deck skirting. The purpose of the deck is to provide a raised platform for a variety of events, such as having bands or yoga, but that can also be used during normal business hours for seating purposes.

**C. Staff Report**

This request is not for a typical deck, as it is not for a residential structure and it will be visible from the public right-of-way. Staff finds the proposal should be evaluated as street furniture, given the commercial location and purpose of the proposed deck. The proposal complies with Chapter 10.C of the Guidelines, which recommends, “use street furniture that is simple in design and constructed of traditional materials such as wood and dark metal” and “particularly along the commercial section of Main Street, place street furniture in areas where the sidewalk is wider or where adjacent public open space (such as the plaza next to the railroad museum) provides a more spacious public environment.” The proposed deck will be located in the private courtyard along Tonge Row, in an area where there is a more spacious environment, as recommended by the Guidelines. Staff finds the proposed use of Trex does not comply with the Guidelines.

Chapter 7.B of the Guidelines deals specifically with the construction of new porches and decks and recommends that they be “simple in design and should not alter or hide the basic form of the building.” The proposed deck will be detached from the building and is more of a landscape feature/patio for the commercial use of the area.

Staff discussed this application with the Department of Inspections, Licenses and Permits as this portion of the property appears to be in the floodplain. The deck may not be

able to be constructed because of this, but if it is allowed, will be required to withstand certain flood velocities.

**D. Staff Recommendation**

Staff recommends Approval contingent upon approval from the Department of Inspections, Licenses and Permits and the Department of Public Works, and that cedar wood should be used. Staff recommends Denial of Trex decking and stairs.

**E. Testimony**

Mr. Shad swore in Jennifer Porter and William Rodgers. Ms. Porter is the Applicant's business partner and Mr. Rodgers is the contractor. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. Rodgers said cedar wood will be used for the decking but hemlock wood will be used for the structure since it is a stronger wood that is native to the area. He said the hemlock wood will be rough cut, giving a historically accurate appearance.

Ms. Zoren asked if an accessible access ramp may be required for public amenity space. Ms. Holmes said she consulted with DILP since the deck location was in the flood plain but there was no mention of a required access ramp. She explained that DILP said it's possible the structure may not be constructed at all, since it is in a flood plain. If it is permitted, the deck will need to withstand certain flood velocities. This will be handled through DILP and DPW, but a ramp may be required later in the permit review process, but that is currently unknown.

Ms. Porter said there is a huge seating area in the courtyard that is accessible. The seating in the turf area will remain. She explained that the deck would extend a few feet beyond the current berm. Mr. Reich asked for the height of the deck. Mr. Rodgers said the height is 21 inches to the surfaces of the deck from the lowest point of the ground. He said

that the deck narrows at the parking lot side leaving room for landscaping. If a handicapped spot is required, then the area around the landscaping would allow it.

Mr. Reich said that Mr. Rodgers may run into code requirements for railings. Mr. Rodgers said the rails would be on the back of the deck and the two sides. The steps on the building side would run across the entire front. Mr. Rodgers said that there are only two steps and generally, if the height is three steps high or more, then hand railings are required. Mr. Rodgers said they will do what is needed in order to comply.

Ms. Tennor asked for elevations of the railings. Mr. Rodgers said he had a photo of the railing on his phone to show the Commission. Mr. Taylor asked Mr. Rodgers to email the photo to Staff first. The photo showed a modern design with cable railings. Ms. Tennor asked why such modern design was selected for the Historic District. Mr. Rodgers said it was chosen as an alternative to the standard County railing to blend well with the black rails. Ms. Porter said the cable railings gives transparency allowing patrons to look out and see the surroundings. Ms. Tennor said the railings are more modern compared to existing railings in the Historic District. Mr. Rodgers said they would be open to other railing ideas that would be more in line with the Historic District, such as the fence recently installed at the Sweet Elizabeth Jane store. Ms. Holmes said due to the last minute details of the application, the Applicant can always return for a later application for the railing. The Applicant was open to using a railing similar to that at Sweet Elisabeth Jane's.

Ms. Zoren asked what is on the side of the deck that is about two feet off the ground. Mr. Rodgers said it is open air allowing one to see the hemlock structure and landscaping. Mr. Reich asked if the deck is permanent. Ms. Porter said it is permanent.

Mr. Shad said he agreed the proposed railing was too modern and for the Applicant to use a more standard railing already in the Historic District.

**F. Motion**

Mr. Reich moved to approve the application with the following changes: the railing will be changed to be similar to the railing at Sweet Elizabeth Jane and Staff will approve the details of the railing; the decking will be cedar wood stained Cape Cod gray; the deck structure will be made of a rough cut hemlock and will be exposed. 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 7 sets forth the relevant recommendations for New Construction: Additions, Porches and Outbuildings, and Chapter 10 sets forth the relevant recommendations for Parking Lots, Public Streets and Street Furniture 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 construct a low deck in the courtyard of the Subject Property, several feet away from the historic building, for the use of diners and for events. The proposed deck will be constructed of rough cut hemlock and the decking will be cedar stained a Cape Cod Gray. There will be two stairs along the front side of the deck closest to the buildings and there will be a black metal railing similar to other railings in the District. The location of the deck is adjacent to a large public parking lot, which is technically at the rear of the building, although it is the primary business façade of the Little French Market Café. The size, scale, and location of the deck are appropriate for the historic building and will not obscure the view of the building or obstruct the public way. The deck will be constructed of historically appropriate materials and will create a space in which the historic surroundings of Ellicott City may be appreciated.

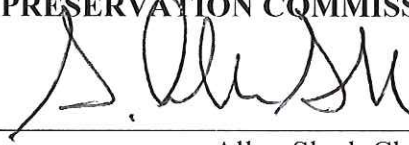
For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not

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 1 day of June, 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 Staff approval of railings and approval of construction by DILP.**

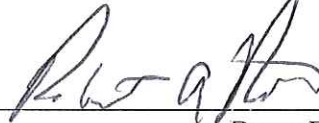
**HOWARD COUNTY HISTORIC  
PRESERVATION COMMISSION**



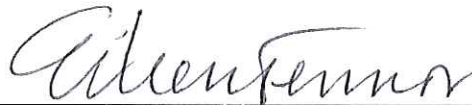
Allan Shad, Chair



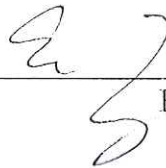
Bruno Reich



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.

IN THE MATTER OF  
THE APPLICATION OF  
BRUCE T. TAYLOR, M.D.

\* BEFORE THE  
\* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL  
FOR EXTERIOR ALTERATIONS  
AT 8173-8185 MAIN STREET  
ELLCOTT CITY, MARYLAND

\* HISTORIC PRESERVATION  
\* COMMISSION  
\* Case No. 17-31

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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 4, 2017 to hear and consider the application of Bruce T. Taylor, M.D. (“Applicant”), for a Certificate of Approval for Exterior Alterations at 8173-8185 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 4, 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 buildings date to circa 1890. The buildings were damaged in the flood of July 30, 2016.

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

The Applicant has submitted an application for retroactive approval for the construction of a concrete and stone patio that replaced the previously existing wood deck that was destroyed in the July 30, 2016 flood, and other alterations to the rear addition. The application states:

“Replace former stone wall from rear of 8191 to rear of 8173 at edge of Tiber River, which was washed out by 7/30/16 flood with new wall in same location, with stone apron to prevent washout. Build wall of stone to height of former safety fence of wood which sat atop stone wall. Wrap wall to East side of 8173 to meet SE corner of building with steps to replace wooden privacy wall and steps of wood. Replace wood deck with concrete deck behind 8173-8181 as wooden deck, privacy wall and steps were destroyed in flood of 7/30/16. Replace wooden privacy wall with board on board wooden fence atop wall in alley. Wooden steps and boardwalk in alley replaced in like kind by neighbor. Replace former lights at deck that were at foot of railing with lights atop new stone wall. Replace damaged window and doors on rear

of each building with like kind, except one door to nowhere on East wall of rear, 8181, replaced with a window for safety.”

The Applicant has provided the additional information below via email:

- 1) There will be 14 lantern lights on the top of the wall along the river (where the current pipe stubs are now, evenly spaced).
- 2) The handrail would be on the right as you descend the steps, in brown, with pickets similar to the attached photo (Vinyl over metal).
- 3) Other than the change from a door with a Juliette balcony to the window above the entry door, the fenestration on the rear of 8181 is returned to how it has been (in kind replacement) for at least the last 22 years. I suspect it never got built exactly to the plan of 1989.
- 4) We have decided that it will be best to build the 38-foot long privacy wall from the alley as a four foot high board on board on top the stone wall, similar to the photo in the application, with a 42 inch wide gate of similar, board on board material to match the siding of 8181.

**C. Staff Report**

The previously existing deck is minimally visible in aerial photography, as shown in the image from 2015. However, the file for this building only shows the following work being approved in July 1989 for the rear of the building: construction of an at grade wooden deck behind 8181 Main Street, construction of a concrete retaining wall along bank of the Tiber River, installation of doors and windows on the rear of the building in accordance with the submitted plans, and residing the rear portion of the building with cedar siding in accordance with the submitted plans. The plans from July 1989 were for a smaller deck than

what was destroyed in the July 30, 2016 flood. At some point the deck was expanded beyond the original approval, which also did not include privacy walls.

The concrete patio and stone retaining wall comply with Chapter 9.D of the Guidelines, which 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.” The Guidelines recommend against “new patios of poured concrete slabs in readily visible locations.” The patio is a poured concrete slab, but is not in a readily visible location. Additionally, the stone walls comply with the Guidelines and are the focal point of the patio. The Applicant included a small photograph of the river and wall during an April 2017 rainstorm and the water was held away from the building by the stone wall.

The Applicant proposes to install a wood board on board fence and sliding barn door and a brown vinyl railing along the stairs. Staff finds this proposal uses too many materials and recommends simplifying the application to using a black iron or aluminum railing along the wall and staircase. There are several styles of simple black metal railings that have been used throughout town that would better complement the stonework on this patio than the wood board fence and vinyl railing. Chapter 9.D of the Guidelines 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.” Staff does not find a precedent exists for a closed board fence in this location and finds an open black metal fence would better complement the space and function in the same manner

as the closed board fence. A privacy fence is unnecessary in this location as the patio looks to the side of a building and Staff was told by the Applicant that the patio would have no commercial use on it.

The proposed light fixtures are a copper color, which comply with Chapter 9.E of the Guidelines, “use dark metal or a similar material.” There will be 14 evenly spaced lantern heads installed on the stone wall. The proposed wall lights comply with Chapter 9.E recommendations, “use freestanding lights that are no more than six feet high for individual residential properties and no more than 14 feet high for commercial or institutional properties or for groups of residences.”

The Applicant has stated that the repairs to the rear were in-kind to match how the building has looked for the last 22 years, other than changing a door to a window for safety. The Applicant said the addition was most likely not built according to the approved 1989 plans. The rear addition is modern in design and the alterations to the approved plans are not drastic. However, the entire side of the building has been resided and the two back door openings, including the second floor balcony, have been enclosed with cedar siding, reducing the number of openings. There should be three door spaces opening on to the deck, instead there are two. There should be the same three openings below the deck, instead there are two windows. While the details are slightly different, the symmetry remains the same and the integrity of the building is not affected by the changes. The side of the building has two windows that are not on the approved plans. The window above the door is supposed to be a door with a small Juliette balcony; however, the existing window is less intrusive. The paired windows to the right of the door are not on the drawings but match the other windows

in design and style and do not detract from the building's integrity. The alterations comply with Chapter 7 recommendations for new construction additions.

**D. Staff Recommendation**

Staff recommends retroactive Approval as submitted for the work that has already been done to the stone wall, patio and rear addition. Staff recommends retroactive Approval of the enclosures of the doorways, the additional windows added to the building, and the switching of the door to a window. Staff recommends Approval of the proposed lighting fixtures. Staff recommends Denial of the proposed vinyl railing and board on board fence and barn door. Staff recommends an alternate railing and fence style, such as a black metal fence, be used.

**E. Testimony**

Mr. Shad swore in Dr. Bruce Taylor. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Dr. Taylor said the privacy fence destroyed by last July's flood had been there for 22 years, but was not part of the 1989 application. The purpose of the fence is to keep people from coming into the private property. Dr. Taylor said instead of installing the privacy fence, he was open to the idea of changing the railing to a black metal railing or he said he could install a five foot high black metal gate that is set back into the alley about five feet.

Ms. Holmes said the Commission also approved a similar gate during last month's meeting for 8109-8113 Main Street. Ms. Burgess asked if the alley is private. Dr. Taylor said it is a common alleyway and he would obtain his neighbor's permission to install the gate.

Mr. Shad asked why there is a need for retroactive approval of the concrete patio. Dr. Taylor said the patio was repaired last August/September after the flood. Mr. Shad asked

why the application was not brought to the Commission before. Dr. Taylor said it was an oversight.

Mr. Reich asked if there was a wall there before. Dr. Taylor said there was a stone wall along the river that was washed out by last July's flood.

Ms. Tennor asked about Staff's concern that the wooden deck was enlarged beyond the original proposed size. Dr. Taylor said the area where the deck was replaced with a concrete patio was the same footprint of the enlarged deck. Dr. Taylor said on the 1989 plan, the deck stopped at the back of 8173 Main Street and the deck was extended beyond 8181 Main Street. Beyond that the deck was a concrete patio which was destroyed during the flood. He explained that he had one uniform patio installed behind all four of the buildings.

Ms. Tennor asked if the proposed gate will cause any obstruction to public right-of-way. Ms. Burgess said there is no public right-of-way behind the property and the gate is feasible with the neighboring property owner's permission.

Mr. Reich said the Applicant will install a gate but if the gate is not allowable, the Applicant will install the railing and handrail recommended by Staff instead of the board on board fence and vinyl handrail. Ms. Burgess said a rail would be required regardless due to the height of the boardwalk above the patio to prevent people from falling.

**F. Motion**

Mr. Reich moved to approve the application as submitted with the following changes: that a black metal gate may be installed in the alley and a black metal rail of 42 inches be installed along the edge of the raised platform/boardwalk and a black metal handrail installed on the stairway. The design of the hand rail and gate are subject to staff approval. 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 7 sets forth the relevant recommendations for New Construction: Additions, Porches and Outbuildings and Chapter 9 sets forth 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 of work done on the Subject Property in response to the flood of July 30, 2016. The Property previously received HPC approval in 1989 to perform certain work, including construction of a modern addition on the rear of the middle building ("8181"). That work was not performed in complete accord with the Certificate of Approval issued by the Commission. A deck that was approved at the rear of the property was smaller than the deck that was subsequently built and an unapproved privacy fence was erected. Subsequent to the flood, the Applicant rebuilt the deck, replacing the existing wood decking with concrete and replacing an existing stone wall with a new stone wall. The Applicant seeks approval for the installation of a railing and lighting on the deck, but withdrew the request to install a privacy fence in lieu of installing a black metal gate in the alley along the side of 8173.

Additionally, the Applicant seeks retroactive approval for the removal of certain openings on the rear and side of the modern addition, which are different from what was approved in 1989. Rather than having three windows of the second and first floor of the rear, there are two windows on each level. On the side of the addition, a second story door with a Juliet balcony was approved, but is now a window of similar size.

The re-construction of the deck after the flood is generally in conformity with the Guidelines. The deck is sized similar to what existed immediately prior to the flood, although that was slightly larger than what was approved in 1989. The deck is constructed of concrete rather than wood, but given the proximity to the river and the need to preserve

the structure, concrete is an appropriate material to use. The deck is not readily visible from the public way and so its impact on the historic value of the buildings and the surroundings is minimal. Use of a black metal railing is in keeping with Guideline recommendations to use historic materials consistent with other style examples in the District. The size, design, and style of the railing are to be approved by Staff. The use of lighting fixtures of black metal is in accord with the Guidelines.

A privacy fence is not appropriate in the District. In order to control access to the property via a small alley that runs from Main Street to the rear of the Property, the Applicant would like to install a black metal gate set back from Main Street. The use of a gate constructed of black metal in a style similar to fencing in the District is an appropriate addition to the Subject Property. The gate and its location are subject to Staff approval. The gate must be of a size, style, and design that are consistent with black metal fencing in the District and it must be set back from the public way. Installation of the gate must be done to avoid damage to the historic structures and is subject to approval by the Department of Inspections, Licenses, and Permits (“DILP”).

The modern addition at the rear of the structure is not readily visible from the public way. The general size of the openings on the rear and side of the structure are appropriate to the size and scale of the addition, which is clad in wood siding. On the rear there are two, instead of three, windows on each level so the symmetry remains. On the side of the structure, the change of a door on the second floor to a window, for safety, did not change the general size of the approved opening and the removal of the faux balcony is an improvement on the historic appearance of the structure. The addition of paired windows to

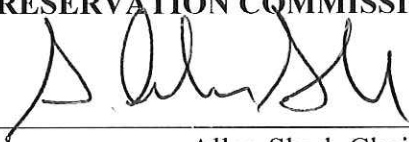
the right of the door match the other windows in design and style and do not detract from the addition's historic value or impact the historic part of the building.

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 1 day of June, 2017, **ORDERED**, that the Applicant's request for a Certificate of Approval for Exterior Alterations at the Subject Property, is **APPROVED**, as amended and detailed herein, and subject to any necessary County approvals by DILP.


**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.

IN THE MATTER OF  
THE APPLICATION OF  
MI HWA JANG

\* BEFORE THE  
\* HOWARD COUNTY  
\* HISTORIC PRESERVATION  
\* COMMISSION  
\* Case No. 17-32

FOR A CERTIFICATE OF APPROVAL  
FOR RETROACTIVE APPROVAL TO  
INSTALL A SIGN AT 8034 MAIN 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 4, 2017 to hear and consider the application of Mi Hwa Jang (“Applicant”), for a Retroactive Approval to Install a Sign at 8034 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 4, 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. 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 SDAT the building dates to 1890.

**B. Proposed Improvements**

The Applicant seeks retroactive approval for a business sign, but has submitted three options for the sign, all of which are scaled down versions of the sign that is currently up. The Applicant also has placed a sign in the window which will need to be approved.

The Applicant has proposed three variations for the main business sign.

The sign will be 4 feet tall by 1.5 feet wide for a total of 6 square feet on a 3/8 inch thick wood board. The image for the sign will be a digital print on the wood board. The sign will have a chocolate brown background with white text and will read on 6 lines:

Lamp  
&  
Gift  
Web site  
Photocustomlamp.com  
443 325 5887

There is an existing sign on the right side of the front of the building for the upper floor tenant spaces. The Applicant has designed the proposed sign to mimic the shape of this existing sign. The Applicant has already installed a flat mounted business sign on the left side of the front of the building. One of the proposed signs will replace this flat mounted sign on the left side of the building.

**C. Staff Report**

The flat mounted sign generally complies with Chapter 11 recommendations for signs. The sign will “use simple, legible words and graphics” and “use a minimum number of colors, generally no more than three.” The sign does not have a lot of text, but Staff finds the use of “website” is unnecessary and can be removed from the sign. The sign has a significant amount of dead space between the text and the sign could be shortened in height and increased in width to accommodate adding “www” to the website address, if desired. The proposed and existing flat mounted signs would better match if the proposed sign is reduced in height and increased slightly in width.

The flat mounted sign will be made out of wood, with the graphic applied over it. This complies with Chapter 11.A recommendations, “use historically appropriate materials such as wood or iron for signs and supporting hardware.” The sign will be flat mounted against the building and the size complies with the recommendations for flat mounted signs,

“in most cases, limit the area of signage to one-half square foot of sign area for each linear foot of primary street frontage, with a limit of eight square feet in area for any one sign.”

Chapter 11.B recommends, “if more than one sign is used to identify a building’s tenants, use signs that are similar in scale, harmonious in style and color, and located symmetrically or uniformly on the building.” The proposed flat mounted sign is similar in scale and style to the existing sign. While the proposed brown color does not clash with the existing sign, it also does not tie into the colors on the building. Staff recommends the Applicant consider a black and white sign, which would better complement the colors used on the building and comply with Chapter 11.A recommendations, “coordinate sign colors with the colors used in the building façade.”

The window sign does not comply with Chapter 11.A of the Guidelines and uses too many colors and contains an advertising message rather than identifying the establishment. Aside from using a similar font, it does not tie in well to the flat mounted business sign and detracts attention away from the flat mounted business sign. If a window sign is desired, Staff recommends the Applicant consider using a vinyl decal sign, which would need to be submitted for approval.

**D. Staff Recommendation**

Staff recommends Approval of the proposed flat mounted sign, but recommends the sign be shortened in height to remove excess dead space, increased in width to properly accommodate the website and changed to a black background to better match the building. Staff recommends Denial of the window sign.

**E. Testimony**

Ms. Holmes did not read out the Staff report, which was incorporated into the record by reference, but instead explained that Mr. Young had submitted new designs,

which were passed out to the Commission members. The new design was a projecting sign, 30 inches wide by 26 inches high, that reads in black text with a white background:

“LAMP & GIFT  
PERSONALIZED DESIGN LAMP”

Mr. Shad swore in Young Lee. Mr. Lee is the husband of the Applicant. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. Lee did not have any comments.

Ms. Tennor asked if only the white vinyl lettering without background signage is proposed for the window sign. Mr. Lee said that was correct, the window sign would only have the vinyl lettering and no background. The Commission agreed the amended proposed hanging sign looked great. The Commission was agreeable with bracket location where the sign will hang. The Commission had no comments on the design of the proposed bracket.

**F. Motion**

Ms. Tennor moved to approve the application as amended with the hanging sign and bracket and vinyl letters only applied to the window facing the street. Mr. Reich 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 in the Historic District, 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 approval to install a hanging sign and a window sign. The hanging sign will 30 inches wide by 26 inches high, and read in black text with a white background:

“LAMP & GIFT  
PERSONALIZED DESIGN LAMP”

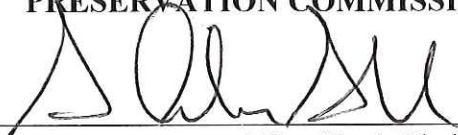
This sign will be constructed of wood and the hanging bracket will be black metal. The sign is in accord with Guideline recommendations for size, material, and minimal lettering and coloring. The window sign will be vinyl lettering only of the same text. Given the multiple doors on the façade, some of which lead to residential units in the building, the sign is necessary to provide easy identification of the business. The size of the lettering must fit within the bottom sash of the window.

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 1 day of June, 2017, **ORDERED**, that the Applicant's request for Retroactive Approval to Install a Sign at the Subject Property, is **APPROVED, as amended.**


**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.

IN THE MATTER OF  
THE APPLICATION OF ANN HEAVNER  
FOR REBUILDING TOGETHER  
HOWARD COUNTY

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\*

BEFORE THE  
HOWARD COUNTY  
HISTORIC PRESERVATION  
COMMISSION  
Case No. 17-33

\* \* \* \* \*

**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 4, 2017 to hear and consider the application of Ann Heavener on behalf of Rebuilding Together Howard County (“Applicant”), for a Certificate of Approval for Exterior Alterations at 8055 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 4, 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 building dates to 1930.

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

The Applicant proposes to replace two wood garage doors and a flush wood pedestrian door located on the rear of the building in Tiber Alley.

The wood garage doors would be replaced with steel panel garage doors painted gray to match the exterior wall. The proposed garage doors would be two 16-panel doors, which look similar to the existing 15-panel doors.

The existing rear wood door is a flush door that is in visibly poor condition. The Applicant proposes to replace this door with a five-paneled wood door painted gray to match the exterior of the building. This door is recessed into the rear of the building.

**C. Staff Report**

Chapter 6.H of the Guidelines recommends against “using flush doors without trim or panels, or doors with small windows or staggered glass openings on historic buildings or on non-historic buildings in a highly visible location.” The proposed pedestrian door is more appropriate and complies with Chapter 6.G Guidelines, as it is a paneled wood door, which the Guidelines recommend using.

There are no specific recommendations for garage doors in the Guidelines, however the proposed garage doors are very similar to the existing in style and design. While the proposed garage doors are not wood, the overall look will remain the same and metal is a more common material for garage doors. The change of material for the garage doors will not negatively impact the integrity of the building or historic district.

**D. Staff Recommendation**

Staff recommends Approval as submitted.

**E. Testimony**

Mr. Shad swore in Ann Heavner, Executive Director of Rebuilding Together Howard County and John Startt, a Board Member of Rebuilding Together Howard County. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. Startt said no.

Ms. Zoren asked if the applicant considered removing the metal awnings on the second floor. Mr. Startt said not at this time because Rebuilding Together Howard County is a non-profit that performs repairs for people who cannot afford it. All the work is based on volunteered labor and donated materials. Mr. Reich said he did not see any issues with the proposed work. He said the area will not be seen from anywhere prominent, it is a good

replacement for what is currently there, will improve the look of the building and make it more functional. The other Commission members agreed.

**F. Motion**

Ms. Tennor moved to approve the application as submitted. 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.

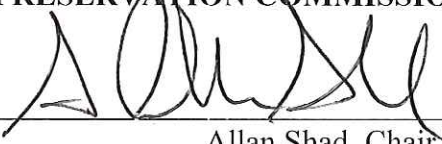
The Applicant proposes to replace a pedestrian door and garage doors at the Subject Property. The existing garage doors are 15 panel wood doors. They will be replaced with similar 16 panel steel doors painted gray to match the exterior walls. The guidelines do not address garage doors, but the proposed replacement will be similar in appearance to the existing, which are in disrepair, and will not detract from the historic appearance of the building. The replacement of the existing pedestrian flush door, which is in disrepair, with a 5-panel wood door, is also in accord with the Guidelines, which disfavor flush doors. The door will be painted gray to match the exterior of the structure.

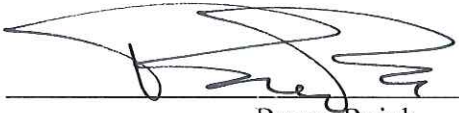
For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable 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 1 day of June, 2017, **ORDERED**, that the Applicant's request for a Certificate of Approval for Exterior Alterations at the Subject Property, is **APPROVED**.

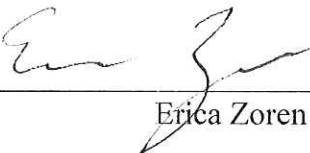
**HOWARD COUNTY HISTORIC  
PRESERVATION COMMISSION**

  
Allan Shad, Chair

  
Bruno Reich

  
Drew Roth

  
Eileen Tennor

  
Erica Zoren

**APPROVED** for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW

  
Lewis Taylor  
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.



### **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 1920.

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

The Applicant proposes to replace the roof, siding, windows and gutters on the front portion of the house as outlined below:

1. Replace existing gray 3 tab asphalt shingle roof with a new Tamko gray 3 tab fiberglass asphalt shingle roof.
2. Replace existing half round gutters with K-style gutters in the color white.
3. Replace existing wood and vinyl windows with new Pella wood 1:1 windows.
4. Replace existing white wood lap siding, plywood and T-111 siding with white HardiePlank lap in the Beaded Cedarmill style.

C. **Staff Report**

Staff reviewed the case file for this building and found the case history was relevant to the application currently before the Commission.

Case History

This property previously came before the Commission in 2001, 2004 and 2007. This property came before the Commission in 2001 (HPC 01-02) to rebuild the front porch, replace the front door, replace the metal porch roof, and replace and install half round gutters and downspouts.

In May 2004 the current owner applied to the Commission in HPC 04-30 to increase the pitch and height of the front gable. The plan elevations specifically state that the existing windows and doors were to remain. In this application the current owner also proposed to remove the asbestos shingle siding and repair the wood siding underneath, restore the wood siding where visible, and add new wood siding in other areas.

In 2007 the current owner submitted an application to install HardiePlank fiber cement siding on the entire house instead of wood. HPC 07-32. The photos from 2007 show that siding had been removed from the house since the 2004 application was made. The windows on the front of the house were 6:6 in 2004. The 6:6 windows appeared to be historic wood windows. In 2007 the windows were 1:1. The windows on the remainder of the house were also mostly 6:6 in 2004; there was a 4:4 window on the side of the house and the windows on the front second floor of the rear addition were 2:1. In 2004 the front door had been replaced in accord with the 2001 application and was a full lite door with craftsman detail. By 2007 this door was no longer on the building, and the 6:6, 4:4 and 2:1 windows had also been removed and replaced with 1:1 windows. In addition, the openings

for the 6:6 windows on the front porch and side of the front portion of the house, appear to have been made smaller when the windows were replaced. These changes were not approved. The building now generally appears to be in same condition that it was in 2007.

In 2007 the Commission had concerns with approving HardiePlank siding, as outlined in the Decision and Order for this case, which states:

- 1) The Commission did not want to approve HardiePlank for the entire building because approval on this case would set a precedent for other homes in the vicinity.
- 2) The Commission and the Guidelines are mostly concerned about the street view of historic properties.
- 3) The sides and rear of the subject property are not visible from the street and the rear probably gets little or no sunlight and is prone to moisture, and for those reasons HardiePlank would be appropriate for the sides and rear of the building.
- 4) The mix of siding types on the side of the building is unattractive, and the coherent look that HardiePlank would bring to that area would improve the appearance of the building.
- 5) The front of the one-story portion of the building and the front of the two-story section of the building are both visible from the street, and therefore HardiePlank is not appropriate for those locations.

The 2007 Decision and Order also states, “In an effort to ensure that the Applicant clearly understood what the Commission wants him to do, he was given a marked-up copy of the drawing he had submitted to clearly show the areas that will be HardiePlank and the areas that will be wood.” The entire front of the house (both front and rear portions) was supposed to be wood siding. The front of the house is wood siding, but the lap siding was

installed incorrectly and the siding does not line up, especially where the windows were removed and replaced with smaller windows.

#### Current Proposal

The existing roof is not historic and is already an asphalt shingle. The proposed replacement roof complies with Chapter 6.E recommendations, "...use asphalt shingles that are flat, uniform in color and texture and of a neutral color." The porch roof is a metal roof and the Applicant said they are not proposing to replace it.

The proposed gutters will be white K-style, but Staff recommends half round gutters be used instead, as it is a more historically appropriate style. Staff relayed this information to the Applicant, who said they would prefer to use K style gutters since they have a larger capacity and are cheaper. The existing gutters appear to be in fine condition, but the downspouts do need attention. Staff recommends the Applicant reuse the gutters that are in working condition and only add new gutters and downspouts where needed. Chapter 6.E recommends, "use gutters and downspouts of painted metal or prefinished aluminum in a color consistent with the building's exterior walls or trim. Locate downspouts along natural vertical lines and corners of the building." The existing downspouts are somewhat tied into the corners of the buildings, but are a mismatch of styles and colors and need to be better affixed into the corners. Some of the gutters and downspouts appear to have been replaced when they were applied for in 2001, as seen in the photos submitted in 2004. However, by 2007 some of the downspouts appear to have been disconnected.

The application indicates that the current windows on the house are a mix of vinyl and wood. The Applicant proposes to replace all of the windows on the front portion of the house with wood Pella windows painted white. As mentioned in the case history above, the

photographs and elevations from 2001 and 2004 show that the historic windows on the building have been removed without approval, and the window openings on the front and side appear to have been filled in with smaller windows inserted in the new openings. Chapter 6.H of the Guidelines recommends, “replace inappropriate modern windows with windows of appropriate style. If documentary evidence of the original windows is available, choose new windows similar to the original. Otherwise, select windows appropriate to the period and style of the building” and “restore window openings that have been filled in, using physical, pictorial or documentary evidence to accurately restore the building’s historic appearance.” Chapter 6.H of the Guidelines recommends against the changes that were done to the original windows. Staff recommends the windows be replaced with 6:6 windows, to match the windows that were removed without approval, and that the window openings be restored to the proper size on the front and side of the front portion of the building.

#### Other Violations

The current application is for limited work to the front portion of the building. However, the windows were altered on the rear portion of the building without approval.

The front door was changed without approval. Staff recommends the previously approved craftsman full lite door be reinstalled or recommends the owner submit a new application for the door. Staff recommends using the previously approved style of door, or the door that was on the building in 2001, which was a 1 lite over 2 vertical panel door.

The application in 2007 to install HardiePlank siding on the sides and rear of the building has since expired. If the owner wants to do any work to the rear portion of the

building which is not being addressed by the current application, then the owner will need to submit a new application for that work.

Staff recommends the owner submit an application to remedy these violations as soon as possible.

**D. Staff Recommendation**

- 1) Staff recommends the windows on the front portion of the house be replaced with 6:6 wood windows to match the windows that were removed without approval, and the size of the window openings be restored to the original size.
- 2) Staff recommends wood siding be used on the front façade of the house and HardiePlank be used on the sides of the front portion of the house, as approved by the Commission in 2007.
- 3) Staff recommends the HardiePlank be the smooth instead of the wood grain, as painted wood siding does not have a wood grain.
- 4) Staff recommends Approval of the replacement roof as submitted.
- 5) Staff recommends the existing gutters in working condition be reused and new half round gutters and downspouts be added as needed.
- 6) Staff recommends Denial of K style gutters and downspouts, which are not historically appropriate.

**E. Testimony**

Ann Heavner and John Startt were previously sworn in. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Ms. Heavner said the 6 over 6 windows can be done. Ms. Holmes said the County's Architectural Historian can also

help to establish the original sizes. Mr. Startt said he would need to review with the donors to see if any help can be given to the owners.

Mr. Reich asked for the scope of the work. Mr. Startt replied they are proposing to replace the asphalt shingles on the front portion of the roof and the siding on the front and the sides of the front portion of the house. He said the intent is to cover all the mix of different siding materials with HardiePlank either with smooth or wood grain although wood grain shows less imperfections. The materials will be based on the donations received. Mr. Reich asked which windows will be replaced. Mr. Startt said all of the windows in the lower front section on the first floor will be replaced. Mr. Startt said the configuration of the muntin does not make a difference to them. He said the existing half round gutters can be saved, although they are not as effective as the K-style gutters. He explained that the water from the top roof comes down and splashes into the lower gutters, which overfills the half round gutters quickly. He said the plan is to redirect the downspouts into a larger 6-inch K-style gutter. The house had extensive water damage from last July's flood water coming under the house and redirecting any water either from the roof or ground water was considered but could not be done since there was no room on either side of the house to redirect water away from the house. Ms. Holmes explained that the Staff recommendation to reuse the existing gutters was made because they said K-style was cheaper and that reusing the existing would save money. Staff has no objections to the gutters being replaced, if the style is appropriate.

Ms. Burgess asked if any work will be done to the back slope where water came into the house from the flood. Mr. Startt said no, they are not doing any other work. He said they

looked at adding a sump pump, but there is no clearance around the house for them to do this.

Mr. Reich asked for a product specification for the Tamko gray shingles. Mr. Startt said there is a spec sheet in the application and it is a 3-tab shingle.

Mr. Reich asked what will happen to the metal chimney. Ms. Heavner said the chimney was not in the scope of work and contractors will roof around it. Mr. Reich asked if the soffits and fascia were part of the scope of work. Mr. Startt said right now the house does not have fascia and they will add it. Mr. Reich asked what the material will be. Mr. Startt said the fascia and soffits will be PVC. Mr. Reich said the soffits are just on the side, and asked what the trim on the front of the house would be. Ms. Holmes said PVC has not been approved for trim in the past, HardiePlank or wood would be more appropriate. Ms. Zoren said that Hardie makes a soffit. Mr. Reich said there is a 6x6 pole for electric connection attached to the porch and he asked if there were plans for that. Mr. Startt said they are not planning to change the electric service of the house. He said there are no changes to the skylight either. Ms. Holmes asked if the existing insulation, siding and weather barrier will be removed prior to the new materials installed. Mr. Startt said yes, it will all be removed and reinsulated and weatherproofed.

**F. Motion**

Mr. Reich moved to approve the application with the following changes and clarifications:

- 1) The roofing will be installed on the front portion of the house with a Tamko gray asphalt shingle. The exact product will be reviewed by Staff. The porch is not included in the replacement.

- 2) The half round gutters, or some part of them stay, with appropriate repairs and redirect of downspouts as needed
- 3) Approve the use of wood siding on the road side front of the house. If Applicant does not want to use wood then a further application would be needed without holding back the rest of the project.
- 4) Approve the use of HardiePlank siding on the left and right sides of the front portion of the house and the use of either HardiePlank or wood on the soffits and fascia on the sides of the house. Any trim on the front of the house would be replaced with real wood products.
- 5) The chimney and skylight stay in place.
- 6) The electric pole stays in place.
- 7) The replacement of all windows on the first floor will be a 6 over 6 wood window product proportional to the original size.

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 represents a non-profit organization that utilizes donated materials and labor to assist property owners with repairs to their property. The Commission appreciates this effort and acknowledges that coordinating projects using donated materials can be difficult; however, exterior changes to structures in the Historic District must be in accord with the Guidelines.

The proposed work is generally in keeping with the Guidelines. The Applicant will replace existing asphalt shingle on the front portion of the main roof with a three-tab asphalt shingle to be approved by Staff. The existing metal porch roof will not be changed.

The Applicant also proposed using HardiePlank siding on the entire house and PVC for trim. As the Commission previously articulated in HPC 07-32, incorporated here by reference, the use of HardiePlank on the front of the house facing the public way is not in accord with the Guidelines. The existing wood siding on the front of the house may only be replaced with wood siding, approved by Staff. Likewise, any trim on the front of the house may only be replaced with wood trim approved by Staff. The sides of the house are less visible from the public way and currently consist of a mix of different types of siding materials. The use of a consistent HardiePlank siding and trim, to be approved by Staff, is appropriate on the sides of the house. Any use of PVC is denied.

The Applicant proposes replacing windows on the front portion of the house with wood windows. As detailed in the Staff Report, there are been several unapproved changes to the window openings on the structure. The Guidelines are clear in recommending that historic window openings be retained or restored. Accordingly, the Commission approves the replacement of existing windows with 6:6 wood windows that are sized to the original openings. Any necessary deviations must be approved by Staff, or presented as the subject of a future application.

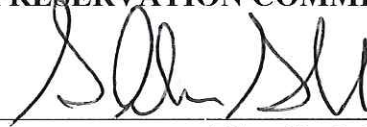
The Applicant also proposes work on the gutters, which are currently half-round. The Commission approves repair and replacement, if necessary, of half-round gutters only. K style gutters are inappropriate for the historic character of the house.

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.

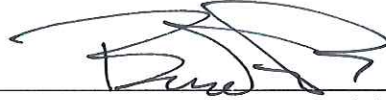
**ORDER AND CERTIFICATE OF APPROVAL**

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 1 day of June, 2017, **ORDERED**, that the Applicant's request for a Certificate of Approval for Exterior Alterations at the Subject Property, is **APPROVED, as amended and detailed herein.**

**HOWARD COUNTY HISTORIC  
PRESERVATION COMMISSION**



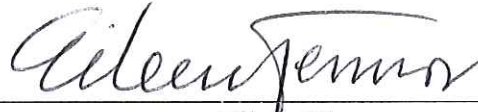
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Allan Shad, Chair



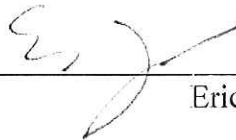
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Bruno Reich



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Drew Roth



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Eileen Tennor



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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.

IN THE MATTER OF  
THE APPLICATION OF  
KATE ANSARI

\* BEFORE THE  
\* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL  
FOR EXTERIOR ALTERATIONS  
AT 8307 MAIN STREET  
ELLICOTT CITY, MARYLAND

\* HISTORIC PRESERVATION  
\* COMMISSION  
\* Case No. 17-35

\* \* \* \* \*

**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 4, 2017 to hear and consider the application of Kate Ansari (“Applicant”), for a Certificate of Approval for Exterior Alterations at 8307 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 4, 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 building dates to 1930.

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

This application was originally posted as Minor Alteration case MA-17-21, but was removed due to an objection. The Applicant seeks retroactive approval to make alterations to the emergency egress railing as it was necessary to add a perpendicular railing to attach to the parallel railing. The parallel railing was determined to be a Minor Alteration in case MA-17-10. The addition of the perpendicular section of railing was needed to comply with the plans submitted to the Department of Inspections, Licenses and Permits ("DILP").

#### **C. Staff Report**

Staff worked with DILP on this application. While the Code does not explicitly require a railing of this arrangement, DILP did require this arrangement to properly identify the stairs and avoid a trip hazard. The application still complies with Chapter 9.D

recommendations, “install open fencing, generally not more than five feet high, of wood or dark metal” and “construct new site feature using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.”

**D. Staff Recommendation**

Staff recommends Approval as submitted.

**E. Testimony**

Mr. Shad swore in Kate Ansari. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Ms. Ansari said no.

Mr. Shad asked if this was the only location for the egress. Ms. Ansari said it was the only location because the rest of the building is not above ground. Mr. Shad said he does not understand the location for it. Ms. Holmes said the egress had to open onto the street or sidewalk and this was the only location. Mr. Shad asked if the previous tenants were required to have the egress. Mr. Taylor said the requirements were different now that the use of the building is for a place of assembly, additional means of emergency egress are required.

Mr. Reich thought an ADA railing would be mandatory at this egress so that the railing handle wrapped around the post. Ms. Tennor asked how high the riser is. Ms. Ansari said six inches. Mr. Shad said the location of this egress and railing is in poor choice.

Ms. Zoren explained that originally she had discussed with Ms. Holmes the possibility of tapering the concrete to eliminate the railing. Ms. Holmes said she reviewed that idea with DILP, but they determined that tapering the concrete would require for more concrete work to be added to the sidewalk, disturbing the façade of the building. Ms. Holmes said the existing configuration was the most feasible allowing for easier removal of the concrete in the future if needed.

**F. Motion**

Ms. Tennor moved to approve the application as submitted. Mr. Reich seconded. Mr. Shad opposed. The motion was approved 4 to 1.

**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 approval of perpendicular posts to a railing that was previously approved, because of requirements by DILP. The railing posts will be constructed of black metal consistent with the already approved railing.

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.

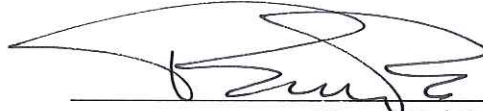
**ORDER AND CERTIFICATE OF APPROVAL**

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 4 to 1, it is this 1 day of June, 2017, **ORDERED**, that the Applicant's request for a Certificate of Approval for Exterior Alterations at the Subject Property, is **APPROVED**.

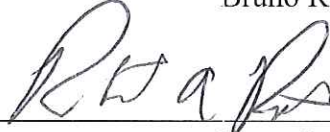
**HOWARD COUNTY HISTORIC  
PRESERVATION COMMISSION**

*Opposed*

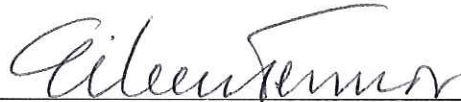
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Allan Shad, Chair



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Bruno Reich



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Drew Roth



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Eileen Tennor



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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.

IN THE MATTER OF  
THE APPLICATION OF  
HOWARD COUNTY, MARYLAND

\* BEFORE THE  
\* HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL  
FOR EXTERIOR ALTERATIONS  
AT 3726 OLD COLUMBIA PIKE  
ELLCOTT CITY, MARYLAND

\* HISTORIC PRESERVATION  
\* COMMISSION  
\* Case No. 17-36

\* \* \* \* \*

**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 4, 2017 to hear and consider the application of Brian Cleary on behalf of the Howard County Department of Public Works (“Applicant”), for a Certificate of Approval for Exterior Alterations at 3726 Old Columbia Pike, 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 4, 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. 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**

The Subject Property is located in the Ellicott City Historic District. There are currently no buildings on the property. The site contains a stream and in-stream retaining wall, which runs from Parking Lot D, under a neighboring building and then under Old Columbia Pike. The structural integrity of the wall was compromised during the July 30, 2016 flood and the Applicant proposes to repair and reconstruct the wall.

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

The proposed work is to repair and stabilize eroding slopes and build stacked stone and imbricated wall and associated shoring along the Tiber River channel. Additional toe protection will also be provided within the channel. The wall is minimally visible from across the channel on Hamilton Street and minimally visible from Old Columbia Pike, as it sits below Old Columbia Pike. Staff found the application complied with Chapter 9 recommendations, "construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way."

Two additional items will be discussed for approval that were not part of the minor alterations application. A tree will be removed in order to repair the wall. The tree is currently covered in ivy. The style of fencing will also be determined, which was not part of the minor alterations application, but was shown in the plans. Several Commission members expressed concern as the spec shown in the plans was for a wooden fence.

**C. Staff Report**

This case did not have a Staff report because it was added as an emergency addition when it was removed from the Minor Alteration's website due to an objection.

**D. Staff Recommendation**

Staff recommended approval as submitted. .

**E. Testimony**

Mr. Shad swore in Mark DeLuca, Deputy Director of the Department of Public Works. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. DeLuca said the 50-foot segment of the wall collapsed after the July 30 flood. The slope needs to be stabilized before repairs begin. Sheeting and shoring will remain throughout the project for stabilization of the slopes while the stream wall is built.

Mr. DeLuca explained that due to the equipment used for slope support, additional headroom and space are needed. The tree is an obstruction that will need to be removed. A utility pole fell during the July flood and BGE provided a temporary support but it will be relocated which is also an aerial space concern. He said the proposed wood fence that will go on top of the wall will be changed to the black metal fence similar to the fence in parking lot E.

Mr. DeLuca said that on page 2-2 of the plan, the metal guardrail will be a rusted brown, blending into the surroundings. He said the guardrails are necessary to prevent cars

from hitting the fence or falling into the stream. Ms. Holmes asked if the guardrail will be in front of the fence. Mr. DeLuca said the guardrail will be in front of the fence.

Mr. Reich asked if there are other similar guardrails used on Main Street. Ms. Holmes said there is one above Court Avenue overlooking parking lot E. Mr. Reich asked if the guardrail was painted. Mr. DeLuca said the Court Avenue guardrail was not painted, it was a prefinished color. Mr. DeLuca said it is the same guardrail that will be used at Old Columbia Pike.

Mr. Reich asked where the base of the stone wall was on the plan. Mr. Reich said he was concerned about the aesthetic of the stream and wanted to make sure the wall will look as original as possible. Mr. DeLuca said the wall may follow a contour but the County is required through Maryland Department of Environment not to encroach on the stream. He said the face of the imbricated wall is not necessarily the edge of the stream bank, but it is set back from the stream which is difficult to see from the plan. The wall goes under the Precious Gift store and Old Columbia Pike and comes out to the other side of the road.

Mr. DeLuca said the old stone wall sat above the water. There was a slope that came off the base of the wall down to the water level into the channel. He said the wall looks straighter in person than on the plan. From parking lot D, the walls are parallel to the stream on both sides but once it goes to the Precious Gift store which has a foundation wall that sits in the stream. Mr. DeLuca said last July's flood removed the soil behind the foundation wall and turned it into a column pier. The new wall will blend into the foundation wall.

Mr. Reich was concerned that the rebuilt wall would not look like the original stone wall that existed prior to the flood. Mr. DeLuca said native rocks from the stream will be used to armor the wall then supplemental rocks from nearby quarries will fill in the gaps.

Mr. DeLuca said a similar process was done on a wall near Hi Ho Silver Co. about two years ago. Mr. Reich encouraged Mr. DeLuca to use more indigenous rocks if possible.

Ms. Tennor asked for clarification on the fencing. Ms. Burgess said there were two fencing applications within this area: one was a minor alteration for a wrought iron fence to replace a chain link fence that will run adjacent to the sidewalk on Old Columbia Pike that was approved. This application is for the fence along the river and this fence will mimic and mirror the standard black aluminum County fence used throughout the Historic District.

Ms. Holmes asked if there will be a curb line along the driveway. Mr. DeLuca said there will not be curb line in the area, only fencing and the guardrail.

The testimony was open to the public for input. Mr. Shad swore in Kelly Zimmerman. Ms. Zimmerman asked if the tree removal is necessary because the tree provides a visual buffer between the back of the buildings and Old Columbia Pike. Mr. DeLuca said the tree needs to be removed due to its size and the location which impedes the wall construction. Ms. Zimmerman asked if it's a cluster of trees or just one multi-stem. Ms. Holmes said it is difficult to tell from the photo. Ms. Zimmerman said the tree also provides shade and privacy to the nearby residence while the fence does not.

Mr. Roth asked about the tree type but Mr. DeLuca did not know.

**F. Motion**

Mr. Reich moved to approve the application as submitted with the change that the black metal fence will be put in place of the wood fence. The County will use a mix of indigenous stone on the wall. 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.

### **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.

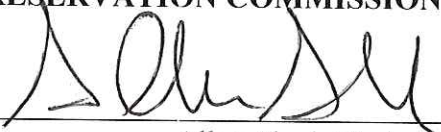
The Applicant seeks approval to repair and rebuild a stone wall in the Tiber River channel that was damaged in the July 30, 2016 flood. In concert with that work, the Applicant will need to remove a tree and install fencing and a guardrail. The wall will be rebuilt to match the existing as much as possible, using indigenous stone. This complies with Guideline recommendations for stone walls in the Historic District. The Applicant will also install black metal fencing that is consistent with the black metal fencing approved for other areas of the District. Similarly, the brown guardrail that will be installed is consistent with others approved in the District and is more appropriate than the typical galvanized guardrail. The loss of the tree is regrettable, but necessary for the work on the stone wall, which is necessary to control flooding that threatens the Historic District. The tree's position on the slope makes re-planting difficult, but the Commission urges the Department of Public Works to explore possibilities for replacement of the tree.


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**

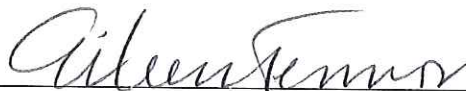
Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 4 day of June, 2017, **ORDERED**, that the Applicant's request for a Certificate of Approval for Exterior Alterations at the Subject Property, is **APPROVED, as amended.**

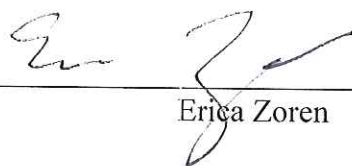
**HOWARD COUNTY HISTORIC  
PRESERVATION COMMISSION**

  
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.