IN THE MATTER OF THE APPLICATION OF KIMBERLY KEPNES	* *	BEFORE THE HOWARD COUNTY
FOR A CERTIFICATE OF APPROVAL TO MAKE EXTERIOR ALTERATIONS AT 3748 CHURCH ROAD (ALSO REFERRED TO AS 3691 SARAH'S LANE) ELLICOTT CITY, MARYLAND	* * * *	HISTORIC PRESERVATION COMMISSION Case No. 20-70

* *

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 October 1, 2020 to hear and consider the application of Kimberly Kepnes, ("Applicant"), for a Certificate of Approval to make exterior alterations at 3748 Church Road (also referred to as 3691 Sarah's Lane), Ellicott City, Maryland (the "Subject Property"). The Commission members present were Allan Shad, Eileen Tenor, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the October 1, 2020 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the "Design Guidelines" or "Guidelines"); and (6) the general design guidelines listed in Rule 107 of the Commission's Rules of Procedure.

Summary of Testimony

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

Findings of Fact

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

A. The Subject Property

This property is located in the Ellicott City Historic District and is listed on the Historic Sites Inventory as HO-59, Mt. Ida.

B. Proposed Improvements

The Applicant proposes to make the following alterations to the structure:

1) **Porch on the southeast elevation (facing Church Road):**

   a. **Porch Railings** – Install straight, square, white picket railings on three sides of the second story porch. The railings will be pressure treated wood or a composite material. The railing height will be 36-inches, to code. The size and shape of the proposed railing will match the existing railing shown in the application (this existing temporary safety railing serves as a barrier on the northwest elevation for the first-floor door that would open to the void below where the porch floor is missing). The pickets will be 2 inches by 2 inches.

b. **Flooring** - Replace the existing second story painted wood porch floor with IPE wood.

2) **Porch on the northwest elevation (facing Mt. Ida and Courthouse parking lots)**

a. **Flooring –** Construct a new first floor porch in the open area on the northeast elevation, off the door. The flooring will be IPE wood. The porch will extend from the door to the columns and will be about 5 feet deep.

b. **Porch Railings –** The railings will be white. The material will be pressure treated wood or a composite.

c. **Granite Steps and Railing –** Install granite steps to flank each side of the new porch. The granite steps and stair railing will match those on the door to the right of the proposed porch area. Refer to Figure 6 below for style of steps and railing. Refer to Figure 7 for location of steps.

C. <u>Staff Report</u>

Chapter 6.F: Rehabilitation and Maintenance of Existing Buildings; Porches and Balconies

1) Chapter 6.F recommends:

a. "Porches and balconies are important to a building's sense of scale. Removing, enclosing or altering a porch can dramatically alter the appearance of a building. If a porch must be replaced, the replacement porch, even if simplified in detail, should reflect the visual weight of the original."

b. "Replace missing features, such as missing supports or railings, with materials that are appropriate in scale, proportion and style"

c. "Replace deteriorated features with new materials as similar as possible to the original in material, design and finish."

<u>Railings – Southeast Porch overlooking Church Road</u>

The porch on the southeast elevation, overlooking Church Road, was designed as the front of the building. Due to infill development in front of the building along Church

Road, and the construction of the Mt. Ida parking lot, the front of the building is not easily seen anymore. Rather, many people view the northeast elevation of the house as the front of the building, while it was designed as the rear. Within this staff report, the different elevations will be referred to as southeast or northwest, to avoid confusion between the terms front and back.

The building has been without railings for much of its life, and the design of the original railings is unknown. Figure 8, below, shows an 1854 lithograph view of the building. While the artist rendering in Figure 8 shows the building without a railing, it most likely had one for safety reasons. Safety is also the reason for the request to add railings now. Chapter 6.F states that "altering a porch can dramatically alter the appearance of a building" and recommends that if a porch must be replaced, "even if simplified in detail, should reflect the visual weight of the original." The original design is unknown so a simplified design, minimal in bulk and visual appearance, such as a white wood picket, would retain the character and avoid altering the appearance of the building.

Although page 4 of the application states wood, the materials proposed to be use is pressure treated wood or a composite wood. Quality hardwood that is primed and painted would be appropriate materials for a porch on a historic building. The proposed flooring is Ipe and would not be painted. Typically, a porch floor would be painted tongue and groove wood. However, due to the location of the second-floor porch, the flooring will only be visible to someone standing on the porch, and will not alter the overall appearance of the structure.

New First Floor Porch – Northwest elevation overlooking parking lots

The Applicant also proposes to construct a new first floor porch, since the feature is currently missing. Granite steps will be installed, flanking each side of the porch. Each set of steps will have one railing leading to the porch. The step railings would be dark green to match other stair railings on the property. Access to the basement will be maintained in the current configuration as the porch will only be around 5-feet deep, from the door to the columns. The flooring of the proposed porch is Ipe, but it would be more appropriate to see a painted tongue and groove porch floor. Likewise, rather than pressure treated or composite railings, it would be more historically appropriate to use a non-pressure treated wood and avoid the use of composite railings.

The use of granite steps, to match those existing on the building complies with the Guideline recommendations, as granite is a material that is appropriate in scale, proportion and style and one of the most common building materials in Ellicott City.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted and recommends the HPC consider a maintenance/replacement component to an approval.

E. Testimony

Ms. Holmes updated the Commission on the application, stating that the Applicant withdrew the request for approval for the north porch and only sought approval for the work to the second story porch on the southeast elevation facing Church Road, but wanted the Commission's advice on the north porch.

Ms. Kepnes was previously sworn in. Mr. Shad asked if Ms. Kepnes had anything to add to the comments by Staff. Ms. Kepnes said she found a railing to match the exiting

barrier on the northeast elevation of building, that has been used as a barrier (to the doors that would open onto an open space as the first-floor porch is missing). She explained the second story has been without a railing for many years and she would like to add the railing for safety.

Ms. Tennor said it made sense to have a railing added with the porch at such a high elevation and agreed with Staff that an upgrade to the material for the railing was a good choice rather than using composite. Ms. Tennor noted that due to the vegetation it is difficult to see the porch from the ground, but for consistency with the structure it makes sense to use hardwood for the porch. Ms. Tennor confirmed Ms. Kepnes wanted to use Ipe for the decking material. Ms. Kepnes said she would like to use Ipe as it is low maintenance and there is lot of weather, rot and damage to the existing porch.

Ms. Tennor said the Guidelines state that decking should be replaced in-kind and recalled a previous application where the Applicant wanted to use Ipe wood for similar reasons rather than replacing with a less durable material. The upper elevation of the existing porch is not visible unless on the building and Ms. Tennor thinks it is appropriate to use the Ipe hardwood for replacement of the existing porch.

Mr. Roth said per the Guidelines on page 34, it is not recommended to add or replace porch features that are not historic in style, materials not appropriate include replacing tongue and groove with pressure treated wood or concrete materials. Mr. Roth said the Commission has been through proposals like this before with the development off Church Road on Deanwood Road where the builder was supposed to use real wood on the porches but used a composite, and the Commission had debates about future steps of replacement. Mr. Roth said the Commission should not permit a building of historic nature

to use plastic. Ms. Kepnes asked for material recommendations, such as pine. Mr. Roth said to use hardwood materials as described in the Staff recommendations and he was fine with the use of Ipe.

The Commission discussed the Secretary of Interior Standards and the appropriateness of using non-historical materials in areas that are not visible, the differences between Ipe and tongue and groove wood, color and finish. Mr. Reich said Ipe is a great wood, a very hard hardwood, and it could be painted or stained with less rotting problems and it follows the Guidelines. Mr. Reich said he thought the porch railings were fine as the character of the building is a very simple straightforward style.

Ms. Zoren said the Ipe material would be appropriate for the second story porch but not for the lower level. She noted Ipe is a hardwood having a natural dark wood finish which is different than a painted tongue and groove porch. Ms. Zoren said the railings be a painted hardwood and not pressure treated or composite.

Ms. Kepnes requested to amend the application to confirm the decking to be replaced with Ipe wood and modify the railing to be painted wood. Mr. Shad said he thought the modification was an appropriate change and the posts look like the photographs which were a square tube shape.

The Commission, the Applicant, and Staff discussed if there was an opportunity for tax credits that relate to the porch and the replacement of the porch components. The Commission agreed that the Ipe wood decking should be eligible for tax credits as it is for protection of the porch and more durable than the tongue and grove decking, and all agreed that adding a painted wood railing would also qualify.

F. Motion

Mr. Roth moved to approve the application, as amended. 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 6 sets forth the relevant recommendations for Rehabilitation and Maintenance of Existing Buildings in the Historic District, as detailed in the Findings of Fact, part F.

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 amended her application to only request approval of the second floor porch, leaving the new first floor porch for later. The second floor porch is on the southeast elevation, overlooking Church Road, which was designed as the front of the building. Due to infill development in front of the building along Church Road, and the construction of the Mt. Ida parking lot, the front of the building is not easily seen anymore.

The porch is currently without railings. The Applicant proposes to use a railing style to match that used on other parts of the building. She explained the second story has been without a railing for many years and she would like to add the railing for safety. The design of the original railings is unknown, but there were most likely railings for safety. The original design is unknown so a simplified design, minimal in bulk and visual appearance, such as a white wood picket, would avoid altering the appearance of the building. The Applicant amended her application to construct the railing of painted hardwood, not pressure treated wood.

The proposed flooring is Ipe wood and would not be painted. Typically, a porch floor would be painted tongue and groove wood. However, due to the location of the second-floor porch, the flooring will only be visible to someone standing on the porch, and

so it will not alter the overall appearance of the structure. Wood is an appropriate historic material.

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 5th day of November, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval to make exterior alterations at the Subject Property, is **APPROVED, as amended**.

HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

Allan Shad, Chair BB

Eileen Tennor, Vice-Chair BB

Drew Roth BB

Bruno Reich BB

Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW

Lewis Taylor
Senior Assistant County Solicitor

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