

**HISTORIC PRESERVATION COMMISSION**  
**HEARING MINUTES**

**APRIL 8, 2010**

**Commissioners**

Tim Daniel, Chairman

Scott Winnette, Vice Chairman

Timothy Wesolek

Robert Jones

Joshua Russin

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**Aldermanic Representative**

Michael O'Connor

**Staff**

Emily Paulus, Historic Preservation Planner

Nick Colonna, Comprehensive Planning

Scott Waxter, Assistant City Attorney

Shannon Albaugh, HPC Administrative Assistant

## **•I. Call to Order**

Mr. Daniel called the meeting to order at 6:00 P.M. He stated that the technical qualifications of the Commission and the staff are on file with the City of Frederick and are made a part of each and every case before the Commission. He also noted that the Frederick City Historic Preservation Commission uses the Guidelines adopted by the Commission and the Secretary of the Interior's Standards for Rehabilitation published by the U. S. Department of the Interior, National Park Service, and these Guidelines are made a part of each and every case.

All cases were duly advertised in the Frederick News Post in accordance with Section 301 of the Land Management Code.

## **Announcements**

Ms. Paulus announced that the first case on the agenda, which is HPC10-05 located at 415 S. Market Street, would not be heard that evening because the applicant had not submitted the additional information requested by the Commission at an earlier hearing. Mr. Colonna stated that although the applicant had not submitted that additional information the Commission would have to vote on it to a date certain to continue it.

Ms. Paulus also announced that there was an item staff wanted to workshop that evening. She added that staff tries not to surprise the Commission with things but it was an over sight by staff by not including that on the workshop agenda. She went on to say that the application for 114 N. Market Street was given to the Commission that evening and asked if the Commission was comfortable with reviewing the workshop case that evening. The Commission was okay with reviewing that evening.

## **II. Approval of Minutes**

**1. March 25, 2010 Hearing / Workshop Minutes**

**Motion:** Scott Winnette moved to approve the March 25, 2010 Hearing minutes and the March 25, 2010 Workshop minutes as written.

**Second:** Joshua Russin

**Vote:** 5 - 0

**• II. HPC Business**

**2. Administrative Approval Report**

**IV. Consent Items**

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**There were no consent items.**

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**•V. Cases to be Heard**

**3. HPC10-05  
Robertson**

**415 S. Market Street**

**Victoria**

Demolish garage / shed

*Emily Paulus*

Mr. Daniel announced that the Commission would need to make a motion to continue to the April 22, 2010 hearing.

**Motion:** Scott Winnette moved to continue this application to the April 22, 2010 hearing.

**Second:** Joshua Russin

**Vote:** 5 - 0

**4. HPC10-57**

**116-118 E. Patrick Street**

**Anson Smith**

Demolish the rear 2 story part of building

*Emily Paulus*

### **Presentation**

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking approval to demolish a two-story wing on the rear of a three-story, mid-19<sup>th</sup> century contributing commercial building. The wing features brick walls, 6/6 wood windows with splayed brick lintels and wood sills, and metal roof. The structure appears to be in good condition.

The demolition is being sought in order to construct a three-story addition that would measure approximately 99' by 36' (HPC #10-58).

### **Discussion**

John Williams, the architect, stated that even if the building would be considered contributing the part that would be demolished is unseen and it effects the owner's economic plan both for commercial and residential buildings.

**Public Comment - There was no public comment.**

### **Staff Recommendations**

Staff recommends that the Commission find the rear wing to be contributing to the Historic District because it meets one or more of the criteria outlined in the Commission's *Guidelines*. Specifically, as a pre-1887 feature that retains a moderate degree of historical and architectural integrity, it adds historical value and was built during the District's Period of Significance.

**Motion: Tim Daniel moved to find the structure contributing because it is a pre 1887 feature of an existing building that retains a moderate degree of historical and architectural integrity and adds historical value to the district and was built in the districts period of significance.**

**Second: Scott Winnette**

**Vote: 5 - 0**

**5. HPC10-63  
Associates, LLC**

**113-113A W. 3<sup>rd</sup> Street**

**Eng**

Demolish open rear porches

*Emily Paulus*

### **Presentation**

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking post-construction approval for the demolition of two original open, three-story porches on the rear of a contributing duplex. The porches were demolished sometime in 2008 and replaced with additions. The property owner was cited by the Department of Code Enforcement in 2008, but the applicant only submitted a complete HPC application last month.

The porches were found to be contributing at the March 25, 2010 Historic Preservation Commission hearing.

### **Discussion**

Brian Lim, the agent, stated that they were successful in picking up the preliminary replacement plans and Mr. Lim provided the Commission with a copy of the plan.

After briefly reviewing the plan Mr. Daniel stated that he agreed with staff that the design of the proposed replacement project is headed in the right direction but the Commission will talk about that later when that comes up for consideration.

Mr. Winnette stated that he agreed with the staff report and Ms. Paulus' statement about the demolition of these porches not impairing the historic nature of the streetscape or the rear of the buildings that are there.

## **Public Comment**

Daniel Backo, resides at 115 W. 3<sup>rd</sup> Street, stated that he wanted to take the time to point out the letters and he hoped that the Commission had the opportunity to read all of the letters and consider the approval of the demolition of the rear porches.

## **Staff Recommendations**

Staff recommends approval of the demolition of the rear porches, pending approval of the replacement plan (HPC #10-64)

**Motion:**        **Scott Winnette moved to approve the demolition of the rear porches pending approval of the replacement plan, HPC10-64.**

**Second:**       **Joshua Russin**

**Vote:**           **5 - 0**

**6. HPC10-63**

**134 W. 4<sup>th</sup> Street**

**Andrew Johnson**

Install fence in backyard

*Emily Paulus*

## **Presentation**

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking approval to construct a six-foot high solid wood board fence along the south, west, and east property lines at the rear yard. The yard is currently fenced by a low wire fence along the east property line and a board-on-board fence at the west property line; there is no fence along the south (rear) property line.

Because the application qualified as an Administrative Approval, staff issued a Preliminary Certificate of Approval on March 17, 2010. During the 10-day public posting period objections to the application were received and the project was scheduled for a public hearing, as required by the Administrative Approval guidelines.

## **Discussion**

Andrew Johnson, the applicant, stated that he would just like to put a fence up in his back yard.

Mr. Daniel stated the names and the dates of the objection letters that were received by the Planning Department and he stated that most of the letters dealt with an easement that is at the rear of the property. He went on to say that easements are not part of the purview of the Commission and that it was something that the Planning Department and maybe also the Building Department would review.

Mr. Daniel asked if the fence was going to follow the applicant's property line. Mr. Johnson answered yes.

## **Public Comment**

Antonio Mendez, one of the letter writers, stated that he did understand the Commission's role but his one request was to, either the Commission or the applicant himself, stake the corner of his property so the neighbors have a sense of how the fence will impact the easement. Mr. Daniel stated that would be something outside of their role as a Commission. Mr. Mendez then asked if it would be something he should ask the Engineering Department. Mr. Waxter answered that what he was discussing is a property issue between neighbors and the City is not in a position to get involved in a property agreement / dispute or whatever between neighbors. Mr. Mendez then stated that the applicant's fence will effect the parking of seven households.



## **Staff Recommendations**

Staff recommends that the Commission approve the fence because it is consistent with the Commission's *Guidelines* and consistent with the character of other rear fences in the historic district. As a condition of approval the fence must be painted or stained with a solid color, opaque stain within six months of installation and it must be installed with the finished or "beauty" side facing outward.

**Motion:** Timothy Wesolek moved to approve the fence with the Commission's *Guidelines* and that he paint the fence with solid color opaque stain within six months of installation and it must be installed with the finished or "beauty" side facing outward and that the fence follow the sketch plan submitted to be sure the fence is following the property lines.

**Second:** Scott Winnette

**Vote:** 5 - 0

The meeting was adjourned at 6:50 PM.

Respectfully Submitted,

Shannon Albaugh

Administrative Assistant