

HISTORIC PRESERVATION COMMISSION
HEARING MINUTES

JUNE 10, 2010

Commissioners

Tim Daniel, Chairman (not present)

Scott Winnette, Vice Chairman

Timothy Wesolek

Robert Jones

Joshua Russin (not present)

Gary Baker

Shawn Burns

Brian Dylus, Alternate

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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. Winnette 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

Mr. Dylus announced that he would have to recuse himself from HPC10-165 and HPC10-166 located at 112 W. Church Street.

Mr. Colonna announced that they will be back at almost full staff and that they had filled the vacant Lisa Mroszczyk position with Lisa Mroszczyk. He went on to say that Lisa will be full time and Emily will be a permanent part time person.

II. Approval of Minutes

1. May 27, 2010 Hearing / Workshop Minutes

Motion: Scott Winnette moved to approve the May 27, 2010 hearing and the May 27, 2010 workshop minutes as written.

Second: Timothy Wesolek

Vote: 6 - 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. HPC10-105

114 N. Market Street

Oscar Munera

Install artwork in transoms

Nick Colonna

Presentation

Discussion

Oscar Munera, the applicant, had nothing else to share.

Mr. Winnette asked if the applicant was going to put the awning exactly where the metal awning currently is. Mr. Munera answered yes.

Mr. Baker asked how the applicant was planning on fastening the plexi-glass panels inside the metal frame that's there. Mr. Munera answered they would place another metal frame around the existing frame. Mr. Baker stated that he was worried about how the framing was going to look like from the outside and whether the plexi-glass will retain the clear visibility. Mr. Baker was also concerned about the overall appearance of the transoms since the building has a very significant storefront. Mr. Baker also stated that the new awning should stay within the confines of the existing awning.

Public Comment - There was no public comment.

Staff Recommendation

Motion: Timothy Wesolek moved to approve the installation of the clear glass plexi-glass over the existing transoms that would house photos of wares sold by the existing business .

Second: Gary Baker

Vote: 5 - 0

4. HPC10-171 114 N. Market Street Oscar Munera

Replace existing awning

Nick Colonna

Presentation

Discussion

This case was discussed with the case number HPC10-105.

Public Comment - There was no public comment.

Staff Recommendation

Motion: Brian Dylus moved to approve the application as recommended by staff with the conditions that the awning is not internally lit, the canvas and synthetic material should be slightly loose on the frame, the awning must be kept clean and in good repair, and the new awning is to be consistent with the existing awning in it's size to fit within the existing storefront.

Second: Timothy Wesolek

Vote: 6 - 0

5. HPC10-140

7-9 W. Patrick Street

Philip Catron

Remove lower panel & extend storefront window
agent

Steve Knott,

Nick Colonna

Presentation

Discussion

Steve Knott, representing the applicant, had no comments.

Mr. Dylus asked what material the quarter round wrapping in the aluminum frame around the new storefront was. Mr. Knott answered it would be the same mahogany to match the existing.

Mr. Baker thanked Mr. Knott for submitting the drawings.

Public Comment - There was no public comment.

Staff Recommendation

Motion: Robert Jones moved to approve the recommendation to remodel the existing façade at 7-9 W. Patrick Street with the following conditions to omit

the horizontal mullions currently located within the window panels, replace glass with full height single pane windows, removal of the wood panel below the large panel window.

Second: Shawn Burns

Vote: 6 - 0

6. HPC10-150

225 E. 5th Street

Patrick Hannon

Reopen enclosed front porch and replace siding

Emily Paulus

Presentation

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking approval for the following rehabilitation work on an early 20th century rowhouse:

1. Removal of the non-original infill at the front porch enclosure. The walls, windows, and door would be removed. The existing roof, soffit, concrete floor, and concrete steps would remain. The new open porch design would include tapered painted wood columns and a typical painted wood railing and handrail. The design would mimic the porches seen at the neighboring properties, including 227 and 229 East 5th Street, and return the porch more closely to its original appearance. Because the interior walls of the enclosed porch now feature interior wood paneling, the applicant is proposing to remove the remaining vinyl siding from the rear elevation (after the one-story addition is removed) and reinstall it on the first floor of the façade.
2. Removal of the vinyl siding on the rear elevation (for use on the front façade) and installation of new vinyl siding to match the existing as closely as possible.

The applicant has already received Administrative Approval for the following additional rehabilitation work on the property: removal of non-original vinyl windows and installation of all wood, 1/1 MW windows, removal of non-original front and rear doors with an all wood Simpson paneled and glass door, replacement of gutters and downspouts throughout, installation of new wood board fencing throughout (HPC #10-148).

Discussion

Patrick Hannon, the applicant, stated that he had looked into alternative sidings on the James Hardie website and it shows all the sizes available but when you actually put in your zip code it limits it to those available in your area.. He went on to say that when he contacted his supplier to ask him about it and he confirmed that the exposure of 10 ¾ inch is not available in this region. He added that the best option they had then was a 8 ¼ board with a 7 inch exposure.

Mr. Winnette asked if the applicant preferred the HardiePlank siding. Mr. Hannon answered yes.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends that the Commission:

1. Approve the removal of the non-original infill at the front porch enclosure and install new tapered painted wood columns and a typical painted wood railing and handrail to match the neighbor's porches because it clearly meets the Commission's *Guidelines* by resembling historic porches that exist in the neighborhood and maintaining consistency with the style and period of the building; and
2. Approve the removal of the vinyl siding at the front façade and replace it with HardiePlank lap siding in the smooth texture with a 10.75" reveal because it is

the material that most closely approximates the original siding in material and size; and

3. Install vinyl siding from the front façade at the exposed portion of the first floor rear elevation where the rear addition is to be removed.

Motion: Timothy Wesolek moved to approve the application along the removal of the non-original infill at the front porch enclosure and install and rehab the painted wood columns and a typical wood railing and handrail to match the neighbor's porches because it meets the Commissions *Guidelines*, that they remove the vinyl siding from the entire front façade and replace it with HardiePlank lap siding in a smooth texture with a 7 inch reveal because it is the material that most closely approximates the original siding in material and size, and install the vinyl siding from the front exposed portion of the first floor to the rear elevation where the rear addition is to be removed.

Second: Shawn Burns

Vote: 6 - 0

7. HPC10-157

20 E. South Street

Evelyn Cook

Rebuild porch roof and replace siding

Paul

Sumpter, agent

Emily Paulus

Presentation

Ms. Paulus entered the entire staff report into the record and stated that this application concerns the replacement of vinyl siding along the west elevation of the property's two-story rear wing. A portion of siding that is missing reveals that the underlying wall material is masonry.

Discussion

Mark Kirby, with Paul Davis Restoration, stated that this is an insurance loss where the snow had piled up on a small porch roof causing it collapse taking the siding with it. He went on to say that the real problem they have is the applicant not having the funds to do the work and they are trying to get the exterior of the house fixed up weather tight. Mr. Kirby added that repairing the brick didn't seem like an option since the insurance company is saying they can only replace what was there.

Mr. Baker asked if there were furring strips under the siding that is currently there. Mr. Kirby answered that there wasn't and they installed the siding directly into the joints of the mason. Mr. Baker stated that he agreed with what staff recommended but with what Mr. Kirby stated about the siding being installed in the joints and not in the brick is a good thing. Mr. Baker then asked if there would be a chance that furring strips could be installed and then replacement of the siding. Mr. Kirby answered yes.

Mr. Dylus asked what the applicant would do if the application was denied. Ms. Paulus answered that the applicant could reinstall the existing siding but she was not sure how severely it damaged when it came off the house or staff could help the applicant look into the potential grant funding or something in that nature. She added that may help them do the work to restore the masonry but she hadn't looked into that enough to say whether or not she was confident that kind of assistance would be there.

Mr. Wesolek asked if the property owner would be willing to continue the case to give staff sometime to look into getting the applicant some grant money. Mr. Kirby answered that he wouldn't see why not because he believed the applicant didn't have their heart set on the siding.

Public Comment - There was no public comment.

Staff Recommendations

Staff recommends that the Commission deny the replacement of vinyl siding along the west elevation of the property's two-story rear wing because it is inconsistent with the Commission's *Guidelines*, and is not a recommended treatment over masonry according to the National Park Service.

Staff recommends that the Commission approve the removal of the vinyl siding and the restoration of the brick underneath, using masonry repair techniques advocated in the Commission's *Guidelines* and *Preservation Brief 2: Repointing Mortar Joints in Historic Masonry Buildings*. A more thorough scope of work should be submitted for staff review prior to applying for a building permit.

Motion: Timothy Wesolek moved to continue this application to the June 24, 2010 hearing.

Second: Gary Baker

Vote: 6 - 0

8. HPC10-151

245 E. Church Street

Loren Deren

Enclose deck on second level
agent

Rollie Belles,

Emily Paulus

Mr. Winnette announced that the applicant requested a continuance for two weeks.

Motion: Scott Winnette moved to continue this case until the June 24, 2010 hearing.

Second: Timothy Wesolek

Vote: 5 - 0

9. HPC10-165

112 W. Church Street

John Laughlin

Demolish two sheds

Emily Paulus

Presentation

Ms. Paulus entered the entire staff report into the record and stated that the application involves post-construction approval for the demolition of the following structures in the rear yard of the Tyler Spite House - significant early 19th century building:

1. Shed #1: a one-story garden shed located at the rear-most portion of the brick parking area;
2. Shed #2: a one-story garden shed attached to the rear elevation of the building's two-story rear wing;
3. A wood board, lattice-topped fence separating the parking and pool area in the rear yard.

The applicant is not proposing to replace the structures but rather to rehabilitate the rear yard area with an expanded patio area (HPC #10-166). The existing but currently unused in-ground swimming pool would also be removed.

Discussion

John Laughlin, the applicant, stated that he sincerely regretted tearing down something when he should have gotten a permit first. He went on to say that he wasn't sure how many of the Commissioners had been behind the building but the sheds were about as ugly as anything you could have found at Home Depot and were allowed to

deteriorate very badly. He also added that they were homes for mice and rodents. Mr. Laughlin stated that two years ago he started the renovation of the property and they started at the back to try and get some sense of what they were facing and they redid most of the back of the structure. He stated that the paint and stucco that was used was not sufficiently adhered to what was there and the windows were cracked and the shutters were broken. He added that they restored the porch area but they couldn't really get to one area which was where the shed was located and because of shed #2 the shutters had fallen off and the wood had deteriorated badly. He stated that in their minds the sheds and fence had no historical significance and if they had he assured them he would have done the right thing. Mr. Laughlin stated that he has done a lot of work in the Historic District and what they are planning to do here is create a downtown venue that would be unmatched in terms of it's capability.

Public Comment

Jan Gallart, resident at 119 W. 2nd Street, stated that there are many significant citizens of Frederick who have swam in the swimming pool and they may not be Dr. John Tyler but they people who have had many experiences surrounding this house. She went on to say that it is very significant to the fabric of the neighborhood so to say the swimming pool has no significance that's not true because there are lots of people who know that significance.

Carol Powell, resident at 11 W. 2nd Street, stated that she had spent a lot of time at the Tyler Spite house as well as many of the people that are present with her tonight and she appreciated the time that the Commission could spend to protect the house. She went on to say that the house is on the Historic walking tour and many people come to Frederick to enjoy these historic properties.

Frank Gallart, resident at 119 W. 2nd Street, stated that he had a real problem with what is occurring and to him providing approval after the demolition has already occurred is not only disrespectful to the board but also sets precedence for future citizen's requests. He asked why anyone should ask permission to demolish anything before it occurs when you can perform demolition and ask for permission later. He added that there was no documentation so how do they know what was there. He went on to say that he knew the demolished fence was not in bad condition as the applicant claims. He said that he personally assisted Mrs. Myer in finding and obtaining a

contractor when the fence was rebuilt in 2004. Mr. Gallart said that demolition of the fence and pool and then paving over it doesn't comply with the contexts of the neighborhood and there will be a loss of green space and even worse the loss of a neighborhood fabric. He said that he can't believe the applicant having restored buildings did not know he had to apply to have something demolished.

Theresa Michel, resident at 103 Council Street, stated that it was interesting that somebody mentioned that Ceresville is the only place left in town for big events because the Ceresville people tried to buy the house next door to this one so they came before whatever Board that was then necessary and they were turned down because of the parking, noise and other considerations. She went onto say that this doesn't reflect exactly on the paving of the back but if the purpose is to create a venue for major entertainment it's too bad that it didn't succeed 25 years ago for the Ceresville group. She said that when you pave over and essentially make a parking lot out of a back yard any residential desirability is lost and from that point she felt it is not helpful to the residents of this area who do a lot to keep up the façades, gardens and general appeal of downtown Frederick.

Celia Pew, resident at 114 W. Church Street, stated that she had a lot of concerns about the proposal before the HPC but she wanted to point out that her house is elevated so the Tyler Spite is basically at grade on it's site and her is elevated almost a story and there is a change in grade because of an old ridge that used to run down Record Street so her concerns are very significant because when she is in her sunroom, kitchen or deck she can actually read the licenses plates on the cars that are there. She went on to say that to turn the whole area into what could be a parking lot is certainly not in her interest and as for it being used as some sort of recreational facility is an even greater concern. She added that she wanted to structure her comments in two ways and one is to talk about conceit and she thought that the approach of Mr. Laughlin has been very deceitful. She stated that one he didn't get the permits but yet he told them that he has done a lot of development in the Historic District and downtown and she even knows herself that she can not remove the damaged portions of a fence from a storm until she would get a demolition permit. So if she can understand that and she is just an economist she thought that someone in property development knew full well that they needed to get those permits. The second thing is as to the conditions of the sheds and the fence when she first saw the workmen over there she was very pleased because she thought they were going to do something because the place is falling down in front of your eyes but she certainly didn't expect what was ensued to be in fact what had happened. She thought they were over there to

do something good and if she were to look out her window she would not have told you the sheds were in disrepair or that the fence was in disrepair and the fact that there is no way to document the conditions of the sheds and the fence is in fact the responsibility of the City of Frederick. She said she wanted the HPC to reconsider the decision that would be made and the Planning Department to reconsider the recommendation.

Alderman O'Connor stated that he wanted to address a statement made by Mr. Gallart made and it is a conversation the HPC has had a number of times which is the seemingly nonsensical notion that one would seek approval to demolish something that has already been removed. He has learned that as much as they can put in the regulations to prevent that, which is what the objective is, the objective is to have people not tear down any structure in the Historic District before they come before the Commission and have the Commission say yes or no you may do that. He went on to say that while that is the goal he thought we could all be realistic and understand that does not always happen.

Applicant Rebuttal

Mr. Laughlin stated that he knew this is an important structure and he had a picture of the shed that is somehow troubling everyone and he was afraid that the conversation has moved off the historical significance of the two sheds, fence and pool to the people that were standing before the Commission. He thought they were there that evening to talk about the demolition of the sheds and the fence which are invisible from Church Street and only the neighbor to the west sees these structures. He wanted to point out that the sheds were awful and ugly. He said that you could take issue with whether the fence was ugly or not but the fence divided the yard and made it much less usable than it will be now that the fence is gone.

Commissioner Discussion

Mr. Wesolek agreed with Ms. Pew and Mr. Gallart that this is the second week in a row that the Commission has had people come before them that have done work in the City and know how the City works that say forgive me I didn't do the paperwork, trust me here are the pictures and he is tired of that. He went on to say that there is a process in place and the applicant should know the process because the rules are laid

out within the City about as to how you go about demolishing the building and it is not the applicant's decision.

Mr. Winnette stated that based on the staff report and limiting himself to the review of the Commission which is the two sheds and the fence he was in agreement that they were likely not contributing.

Mr. Baker stated that he respectfully disagreed with the staff comments that this was not a contributing resource. He said that granted it may not have been built during the time of importance and it may not have any historic value but it does have neighborhood value. He thought the fence was a contributing resource to the neighborhood. He went on to say that the fence may not be historic but what it does for the neighborhood is the reason he felt it was contributing.

Staff Recommendations

Based on the information available to staff and provided by the applicant, staff recommends that the Commission determine the following:

- Shed #1 does not meet the criteria to be considered contributing, because it did not appear to have been built during the District's Period of Significance or add historical or architectural value to the property.
- Shed #2 does not meet the criteria to be considered contributing, because it did not appear to have been built during the District's Period of Significance or add historical or architectural value to the property.
- The fence does not meet the criteria to be considered contributing, because it did not appear to have been built during the District's Period of Significance or add historical or architectural value to the property.
- The pool does not meet the criteria to be considered contributing, because it does not help define the district or add historical or architectural value to the property.

Staff recommends that the Commission approve the demolition of the structures for the reasons stated above, pending approval of the replacement plan (HPC #10-166).

Shed #1

Motion: Timothy Wesolek moved to say that shed #1 does meet the criteria to be a contributing structure.

Second: Gary Baker

Vote: 3 - 2, Scott Winnette and Shawn Burns opposed

Shed #2

Motion: Timothy Wesolek moved to find shed #2 a contributing structure because of the fact that it was on the property and there have been people in the audience that testified to the fact that it has been there a while and that it was part of the fabric of the property.

Second: Gary Baker

Vote: 3 - 2, Scott Winnette and Shawn Burns opposed

Fence

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Motion: Timothy Wesolek moved to consider the fence to be contributing element to this property due to the fact that it separates the parking from the living space and the swimming pool.

Second: Gary Baker

Vote: 4 - 1, Shawn Burns opposed

Pool

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Motion: Timothy Wesolek moved to find the pool contributing structure because it has been on the property for close to 50 years.

Second: Gary Baker

Vote: 3 - 2, Scott Winnette and Shawn Burns opposed

**10. HPC10-166
Laughlin**

112 W. Church Street

John

Install brick patio in rear yard

Emily Paulus

Mr. Winnette announced that since all structures in the previous case (HPC10-165) was found contributing this case will need to be continued to the next hearing.

Motion: Timothy Wesolek moved to continue this case for two weeks until the next scheduled meeting on June 24, 2010.

Second: Gary Baker

Vote: 5 - 0

The meeting was adjourned at 8:13 PM.

Respectfully Submitted,

Shannon Albaugh

Administrative Assistant