

**Minutes**  
**Baltimore County Landmarks Preservation Commission**  
**June 9, 2016 Meeting**

**Call to order; introduction of Commission members; pledge of allegiance to the Flag; statement of purpose and operating procedures**

Mr. Rob Brennan, Chairperson, opened the regular monthly meeting of the Baltimore County Landmarks Preservation Commission (LPC) at 6:17 p.m. The following Commission members were:

<u>Present</u>	<u>Not Present</u>
Mr. Robert P. Brennan, Chair	Ms. Carol Allen
Mr. C. Bruce Boswell	Ms. Rose A. Benton
Ms. Faith Nevins Hawks	Mr. Louis Diggs
Ms. Nancy W. Horst, Vice-Chair	Mr. Ed Hord
Mr. Mitch Kellman	Mr. David S. Thaler
Mr. Stephen P. Myer	
Mr. Qutub U. K. Syed	
Mr. Richard Yaffe	

Attending County staff, Jeff Mayhew (Deputy Director, Department of Planning), Teri Rising (Preservation Services staff) and Vicki Nevy (Secretary to the Commission).

1. **Review of the Agenda**

Ms. Rising noted the only change to the Preliminary Agenda published June 2, 2016 was the removal of Item #11 from the Consent Agenda.

2. **Approval of the Minutes**

Mr. Brennan asked if anyone proposed changes to the May 12, 2016 Minutes. Hearing none, Mr. Brennan called for a motion to approve the Minutes as drafted.

Ms. Horst moved to approve the Minutes as drafted. Mr. Boswell seconded the motion, which passed with affirmative votes being cast by Mr. Boswell, Mr. Brennan, Ms. Nevins Hawks, Ms. Horst, Mr. Kellman, Mr. Myer, Mr. Syed and Mr. Yaffe and no dissenting votes.

3. **Consent Agenda**

Ms. Rising read the Action Recommendation for Consent Agenda Items 5, 9, 10, 12 and 13.

Mr. Brennan called for a motion. Mr. Myer moved to approve the consent agenda items as presented. Ms. Horst seconded the motion with affirmative votes being cast by Mr. Boswell, Mr. Brennan, Ms. Nevins Hawks, Ms. Horst, Mr. Kellman, Mr. Myer, Mr. Syed, and Mr. Yaffe and no dissenting votes.

**Items for Discussion and Vote**

4. 112 Melancthon Avenue, Lutherville; newly created lot within the boundaries of the Lutherville County Historic District and Lutherville National Register Historic District; in-fill construction of a two story house with side-loaded garage [County Council District #3]

Ms. Rising described the site's location and reviewed the proposed structure's features and materials as they relate to Baltimore County Historic Design Guidelines, the Lutherville Community Plan, Baltimore County Comprehensive Manual of Development Policies and Baltimore County's Manual of Zoning Regulations. She offered a staff recommendation to add at least 2 additional elements to the garage side elevation and consideration for thinner or squared porch columns instead of those proposed.

The builder, Mr. Judd Maslek, was present and participated in a discussion involving several possible changes to the design as proposed. The discussion was not limited to the garage side elevation and design of the porch columns.

Members of the community, Mr. Eric Rockel and Mr. David Frederick, spoke with regard to the proposal not being brought to the local advisory committee for review. They reported it was not until the Preliminary Agenda was published that they became aware the proposal was to be considered. Mr. Frederick cited other instances where the local advisory committee had worked with property owners to improve upon design in an effort to avoid incompatible in-fill projects. Mr. Frederick requested the LPC consider postponing their decision to allow the local advisory committee time to review the proposal and offer suggestions.

Mr. Brennan noted collaboration between a local advisory committee and property owners is encouraged.

Ms. Rising reported local advisory committees are active in both Lutherville and Sudbrook Park. Committees in other County historic districts no longer formally review and comment on proposals.

Ms. Rising also pointed out that unless the LPC finds an application to be incomplete, they are legally required to consider the application and offer a decision.

Mr. Yaffe asked Ms. Rising if the house being proposed was permitted by right and she answered it was.

Ms. Kimberly Troy, the owner and seller of the newly created lot, addressed the LPC and confirmed the lot was legally created. She explained the proposal was not shared with the local advisory committee because of previous experiences both she, as a long-time resident of Lutherville and two previous contract purchasers of the lot, found to be confrontational and frustrating.

Mr. Boswell inquired about railings for the basement entrance as well as the dimensions of the driveway. Mr. Maslek replied the railings would be a solid metal wrought iron product and the driveway would be as small as possible in order to satisfy County Code requirements.

Ms. Nevins Hawks moved to vote to approve the proposed in-fill construction of a two story house with side-loaded garage subject to the elimination of shutters and window keystone, simplification of window trim with all windows trimmed in the same manner, simplification of porch columns (recommendation to eliminate 2 of the proposed columns), the addition of 1 window in the master bedroom on the east side, the addition of 1 window in the mudroom (recommendation to stack both the master bedroom and mudroom windows) and the addition of 1 window in bedroom #4 on the west side.

Mr. Boswell suggested the motion be amended to include the basement stairwell area railing being metal, the driveway dimensions being proportionate to what is shown on the site plan presented with the recognition of minimal code requirements and the addition of louvered gable vents introduced at the apex on both the west and east side gables.

Ms. Nevins Hawks accepted Mr. Boswell's motion amendments. Mr. Syed seconded the motion as amended. The motion passed with affirmative votes being cast by Mr. Boswell, Mr. Brennan, Ms. Nevins Hawks, Ms. Horst, Mr. Kellman, Mr. Myer, Mr. Syed and Mr. Yaffe and no dissenting votes.

*Citing County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Additions & Infill, pp. 4-7*

- \*\*5. Monde property, 1554 S. Rolling Road, contributing structure in the Relay County Historic District, MIHP #BA-2531; installation of a 5 foot tall aluminum picket fence in the rear yard [County Council District #1]

Approved via the Consent Agenda to issue a Certificate of Appropriateness.

*Citing County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Fences & Landscape, p 4.*

6. Wolverton property, 1022 Windsor Road, non-contributing structure in the Sudbrook Park County Historic District and Sudbrook National Register Historic District; ex-post facto replacement of windows (Code Enforcement Citation Case # CB1600216) [County Council District #2]

Ms. Rising offered background information relating to the removal of the windows without first obtaining LPC approval which resulted in a Code Enforcement Citation being issued. The complaint was made by the community as described in an email received from the property owner. The installed windows have no adverse effect on the District and staff recommended approval.

Mr. Myer moved to vote to issue an ex-post facto Certificate of Appropriateness for the replacement of windows. Ms. Horst seconded the motion which passed with affirmative votes being cast by Mr. Boswell, Mr. Brennan, Ms. Nevins Hawks, Ms. Horst, Mr. Kellman, Mr. Myer, Mr. Syed and Mr. Yaffe and no dissenting votes.

*Citing County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Windows & Doors, p. 5)*

7. “Pot Spring Farm House”, 2201 Pot Spring Road, Final Landmarks List #271, MIHP # BA-0434; ex-post facto demolition of a garage (Code Enforcement Citation Case # CB 1600271)

Ms. Rising offered background information relating to the demolition of a historic structure without first obtaining LPC approval which resulted in a Code Enforcement Citation being issued. The applicants are now seeking ex-post facto approval for the demolition of a structure within the historic environmental setting that was delineated in 2010 for tax credit purposes. The LPC approved a tax credit request filed in 2012 to rehabilitate the roof of this structure, however, the work was never completed. The applicants have reported the demolition was necessary after the structure was damaged during a blizzard this past winter. Staff discovered the loss of the structure when reviewing an application for a replacement structure.

Ms. Rising indicated staff’s recommendation would be to refer the violation to Code Enforcement for action and explained the County Code is fairly specific when it comes to recommending fines for code violations. Under 32-7-503 or 32-7-504 the LPC may choose between criminal or civil penalties or referral to Circuit Court. She reported the law states that the Civil Penalty shall be equal to the greater of \$158,000 increased annually, from October 1, 2005 or the assessed value of the property including any replacement improvements made after the date of the violation. In past cases, the Administrative Law Judge has asked staff for recommendations of alternative amounts but that can be difficult due to the fact that it is hard to place a value on the loss of something irreplaceable. Based on the current assessed value of the improvements, the recommended fine would be \$267,800. If asked, Ms. Rising reported staff would

recommend that a lesser fine be assessed based on the costs presented by the owners in the 2012 tax credit application to perform work to rehabilitate the structure which was \$3,000.

Ms. Colleen McInnes and Mr. Harvey Byrd, owners of the property, were present and described the damages resulting from the blizzard. They reported the insurance company decided the structure needed to be demolished.

Mr. Yaffe asked how long the couple had owned the property and whether the garage was serviceable prior to the blizzard. Mr. Byrd answered they have lived at the location for about 5 years and the garage was serviceable prior to the blizzard.

Ms. Nevins Hawks asked why the work proposed in 2012 for tax credits was never completed. Mr. Byrd indicated his wife became pregnant soon after that proposal was made and their priorities and needs changed.

Noting the collapse of the structure was a result of an act of nature, Mr. Boswell moved to vote to issue a Notice to Proceed for the ex-post facto demolition of the garage. Mr. Myer seconded the motion which passed with affirmative votes being cast by Mr. Boswell, Mr. Brennan, Ms. Nevins Hawks, Ms. Horst, Mr. Kellman, Mr. Myer, Mr. Syed and Mr. Yaffe and no dissenting votes.

*Citing County Code Section 32-7-403*

8. "Pot Spring Farm House", 2201 Pot Spring Road, Final Landmarks List # 271, MIHP # BA-0434; proposal to build a single story addition and a 2 story (4 bay) garage [County Council District #3]

Ms. Rising explained the proposed project involves a mud room addition that connects to a two story replacement garage structure. The lot configuration is constrained in such a way that locating the addition behind the house is not feasible. She reported a Technical Committee consisting of Mr. Brennan, Ms. Nevins Hawks, Mr. Myer and Ms. Nevy had visited the site on June 6, 2016. As designed, the Committee felt the addition projects too far forward of the existing structure and should be moved back to align better with the front of the house. A suggestion was also made that the proposed architectural elements were more suited to a house versus what would essentially be an accessory structure and that they should be adjusted to a more modest style that is still compatible with the existing structure.

Mr. Harvey Byrd, an owner of the property was present and explained moving the proposed garage back further would significantly raise costs because of the pitch of the hill on the property. Mr. Brennan explained the Technical Committee felt moving the structure back would help avoid the garage from becoming the dominate feature and overwhelming the house.

Mr. Boswell mentioned that it would be important to create a swale and/or a French drain similar to what currently exists elsewhere on the property in order to help manage issues with run-off created by the pitch of the hill. He also noted that if the garage is set back further, the garage wall can provide the same benefits as a retaining wall.

Suggestions for a siding material other than what was proposed were made. The homeowners stated maintenance of the siding was a great concern for them.

Mr. Myer moved to vote to issue a Certificate of Appropriateness for the construction of a 1 story addition and 2 story (4 bay) garage as proposed subject to the garage footprint being moved further to the north and aligned with the mud room north wall, the garage south wall being aligned on the same plane as the southern facing of the house pillars, the garage doors being either wood carriage style or barn style as proposed, the mudroom and garage windows matching the house windows in size, having the same lite configuration and being wood with truly divided lites, the board and batten siding being either wood or “hardiplank” and a site plan or plat showing all setbacks from the property lines being submitted for review and approval.

Mr. Boswell seconded the motion which passed with affirmative votes being cast by Mr. Boswell, Mr. Brennan, Ms. Nevins Hawks, Ms. Horst, Mr. Kellman, Mr. Myer, Mr. Syed and Mr. Yaffe and no dissenting votes.

*Citing Count Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Additions and Infill, pp. 2-4.*

- \*\*9. Tompsett, Jr. property, 426 Murdock Road, contributing structure in the Rodgers Forge National Register Historic District; installation of a central air conditioning system [County Council District #5]

Approved via the Consent Agenda to issue a Certificate of Appropriateness.

*Citing County Code, Section 11-2-201 and Baltimore County Historic Design Guidelines: Technical Preservation Services, Preservation Brief #24 – Heating, Ventilating, and Cooling Historic Buildings – Problems and Recommended Approaches*

- \*\*10. “Whyte-Levering House”, Wiggs property, 1614 Ruxton Road, Final Landmarks List #226; installation of a 20x40 foot in-ground pool with picket fence surround [County Council District #2]

Approved via the Consent Agenda to issue a Certificate of Appropriateness.

*Citing County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines; Fences & Landscape, p. 5.*

11. Moreno property, 1718 Magnolia Avenue; contributing structure in the Relay County Historic District; Part II approval – in-kind repair/replacement of existing asphalt shingle roof, fascia, soffits, rakes, gutters, brick piers, front porch railings, front porch decking, foundation, 1<sup>st</sup> floor bathroom floor, 3<sup>rd</sup> floor multiple window unit-frame and both front/back entrance and storm doors; repair/replacement of rear deck [County Council District #1]

Ms. Rising explained the project involves an extensive rehabilitation project, most of which is being requested as part of a Historic Tax Credit application. She indicated that staff had concerns about approving work involving the brick piers and foundation because it was unclear what conditions exist which might need to be addressed in order to avoid the same problem from happening again. With regard to replacement of the existing doors, staff recommended repair or the submittal of a subsequent application for review and consideration should the property owner wish to propose replacements and installation of new storm doors.

The homeowner's contractor, Mr. Michael Ziolkowski, was present to further describe the proposals and answer questions. He indicated the initial focus of work will involve repairing features exposed to weather conditions.

Mr. Boswell moved to vote to issue a Certificate of Appropriateness for the tax credit eligible work including the in-kind repair/replacement of the existing asphalt shingle roof, fascia, soffits, rakes, gutters, front porch railings, front porch decking, 3<sup>rd</sup> floor multiple window unit/frame and repair of the front and back doors; issue a Certificate of Appropriateness for the in-kind repair/replacement of the rear deck (not tax credit eligible) and offer consideration of possibly tax credit eligible work proposed involving the bathroom and brick piers located under the dining room upon receipt of a structural engineer's report.

Mr. Myer seconded the motion. The motion passed with affirmative votes being cast by Mr. Boswell, Mr. Brennan, Ms. Nevins Hawks, Ms. Horst, Mr. Kellman, Mr. Myer, Mr. Syed and Mr. Yaffe and no dissenting votes

*Citing County Code, Section 32-7-403, Section 11-2-201 and Baltimore County Historic Design Guidelines: Windows & Doors, p. 2 & p. 7; Roofs, p. 1, pp. 11-12, Porches & Steps, pp. 3-4*

- \*\*12. "Weber House", McLaughlin/Alexander property, 115 Melancthon Avenue, contributing structure in the Lutherville County Historic District and Lutherville National Register Historic District, MIHP #BA-0333; replacement of existing non-historic casement window in non-historic addition with three grouped together, 1 over 1, double hung windows and replacement of an existing non-historic wooden garage door in a non-historic addition with a steel garage door [County Council District #3]

Approved via the Consent Agenda to issue a Certificate of Appropriateness.

*Citing County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Windows & Doors, pg. 4 & p. 12)*

- \*\*13. “Payne-Tolley House”, Yocham property, 16205 Corbett Village Lane, contributing structure in the Corbett County Historic District and Corbett National Register Historic District, MIHP #BA-2254; Part II approval – updating the electrical system, installation of a HVAC system, refinish/repair or in-kind replacement of hardwood floors; replacement of an existing gravel driveway with asphalt with creation of a parking pad [County Council District #3]

Approved via the Consent Agenda to issue a Certificate of Appropriateness.

*Citing County Code, Section 32-7-403 and Section 11-2-201 and Baltimore County Historic Design Guidelines: Fences & Landscape, p.3; Secretary of the Interior’s Standards 4 & 5; National Park Service, Technical Preservation Services, Preservation Brief #24 – Heating, Ventilating, and Cooling Historic Buildings – Problems and Recommended Approaches; National Park Service, Technical Preservation Services, Interpreting the Standards Bulletins – Installing New Systems in Historic Buildings; National Park Service, Technical Preservation Services, Preservation Brief # 18 – Rehabilitating Interiors in Historic Buildings: Identifying and Preserving Character-Defining Elements)*

The following historic property tax credit application was reported as approved by staff as either an emergency repair or due to the receipt of Part II approval for work reviewed by MHT:

McIntosh property, 219 Dunkirk Road, contributing structure in the Rodgers Forge National Register Historic District; installation of an air conditioning system [County Council District #5]

### **Other Business**

Ms. Rising reported the Spring Retreat is scheduled for Tuesday, June 28, 2016 at the Dundalk-Patapsco Neck Historical Society & Museum located in Dundalk.

Ms. Rising noted “Melrose Farm” house and setting was added to the Final Landmarks List by vote of the County Council via Bill No. 39-16 on June 6, 2016. She elaborated that an amendment added to the bill exempts other structures located on the property from future nominations.

Mr. Syed moved to adjourn the meeting. Ms. Nevins Hawks seconded the motion, with affirmative votes being cast by Mr. Boswell, Mr. Brennan, Ms. Nevins Hawks, Ms. Horst, Mr. Kellman, Mr. Myer, Mr. Syed, and Mr. Yaffe. There were no dissenting votes cast.

The meeting adjourned at 8:22 p.m.

VKN:vkn