Minutes
Baltimore County Landmarks Preservation Commission
March 14, 2019 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 6:07 p.m. The following Commission members were:

Present

Ms. Carol Allen
Mr. Robert P. Brennan, Chair
Mr. Louis Diggs
Mr. Mitch Kellman
Ms. Wendy McIver
Mr. Stephen P. Myer
Ms. Faith Nevins Hawks
Ms. Cathryn Pinheiro
Mr. Raymond Scott
Mr. Qutub U. K. Syed

Not Present

Mr. C. Bruce Boswell
Mr. Ed Hord
Ms. Nancy W. Horst, Vice-Chair
Mr. David S. Thaler

Attending County staff, Teri Rising (Preservation Services staff), Kaylee Justice (Planning staff), Jeff Mayhew (Acting Director) and Jenifer Nugent (Chief of Development Review and Strategic Planning).

Mr. Diggs joined the meeting at 6:08 PM.

Mr. Brennan welcomed the two new members of the Landmarks Preservation Commission, Mr. Raymond Scott, representing County Council District 7 and Ms. Catherine Pinheiro, representing the Planning Board.

Ms. Nevins-Hawks and Mr. Syed joined the meeting at 6:13 PM.

Special Presentation
Ms. Rising presented information on the nomination of the Day Village District to the National Register of Historic Places. Her presentation described the architectural features of the various buildings, general history of the Turner Station community and the World War II era development of the Day Village complex. She indicated the nomination was justified under criteria A and C.

Mr. Brennan recognized Sarah Vonesh, representing E.H.T. Traceries, the preservation consultants responsible for the preparation of the National Register nomination on behalf of the property’s owner. Ms. Vonesh expressed support for the nomination and introduced Mr. Joowan Lee with Chelsea Investment, who explained they were the owners, and interested in a redevelopment project involving the site. Ms. Vonesh stated that the owners were in the process of preparing plans for rehabilitation in order to receive historic tax credits, which was the reason the nomination was prepared.

Ms. Allen questioned the ownership of the site as written on the National Register notification letter. Mr. Lee responded that the information was correct and MCAP and Chelsea Investment intended to be partners in the application process. Ms. Allen asked if both entities were in support of the nomination. Ms. Rising indicated that owner support was necessary for National Register nominations to move forward. Ms. Allen commented that the background information helped her better understand similar sites and suggested a marker be placed with information about the property’s history. Mr. Lee offered information about his previous involvement with historic renovations in New England and agreed that a plaque was warranted for the recognition.

Ms. Allen asked if the renters were still predominately African American and Mr. Lee replied they were. He added that he had met earlier that afternoon with the Turner Station conservation group to share details about the project rehabilitation and they were very excited and supportive.

Ms. Rising provided information about the virtual Turner Station Exploration Trail Story Map on the Baltimore County web page that contained historic background information on the community, including Day Village.

Mr. Scott offered his support for the nomination and commented that Day Village has been continuously well maintained and looked unchanged from his experiences working in the Turner Station community in the 1970s.

Mr. Diggs shared information about his book on the history of Turner Station with Mr. Lee that also included Day Village. He added that he was extremely knowledgeable about the community. Mr. Diggs noted the past impact of rising water on the community and asked Mr. Lee if they planned to take this into consideration in the renovations. Mr. Lee responded that they hired an engineering firm to evaluate the site and develop drainage solutions to resolve standing water issues and to add landscaping features to help mitigate the problem. Mr. Diggs
asked if they planned to recognize specific building units that have special history in their own right. Mr. Lee offered appreciation for information Mr. Diggs would be willing to share.

Ms. Nevins-Hawks asked about the specifics of the renovations. Mr. Lee replied they would be adding 23 accessible units without compromising the historic integrity of the site and adding related amenities to aid with site accessibility. He also described the different rehabilitation and remodeling work that was anticipated, including the addition of modern plumbing and heating. Ms. Vonesh stated the work would follow the Secretary of the Interior’s Standards because it was for a historic tax credit.

Mr. Diggs asked if the units would still be affordable to the residents after the renovation, he was concerned they might be forced out by higher rents. Mr. Lee replied they had a relocation plan and would be using funding sources with the intention of retaining their affordability so the residents would be affected as little as possible. Ms. Rising explained that she understood the accessibility upgrades were intended to help residents age in place.

Mr. Diggs moved to support the Day Village Historic District nomination, under National Register criteria A and C. Mr. Nevins-Hawks seconded the motion which passed with affirmative votes being cast by Ms. Allen, Mr. Brennan, Mr. Diggs, Mr. Kellman, Ms. McIver, Mr. Myer, Ms. Nevins-Hawks, Ms. Pinheiro, Mr. Scott and Mr. Syed. There were no dissenting votes.

Citing CLG procedural regulations (National Park Service)

1. **Review of the Agenda**

Ms. Rising reported there were no changes to the Preliminary Agenda published March 7th, 2019.

2. **Approval of the Minutes**

Mr. Brennan asked if anyone proposed changes to the February 14, 2019 Minutes. Hearing none, Mr. Brennan called for a motion to approve the Minutes as drafted. Mr. Diggs moved to approve the Minutes as drafted. Ms. Allen seconded the motion, which passed with affirmative votes being cast by Ms. Allen, Mr. Brennan, Mr. Diggs, Mr. Kellman, Ms. McIver, Mr. Myer, Ms. Nevins-Hawks, Ms. Pinheiro, Mr. Scott and Mr. Syed. There were no dissenting votes.

3. **Consent Agenda**

Ms. Rising read the Action Recommendation for Consent Agenda Item 4.

Mr. Brennan called for a motion. Mr. Myer moved to approve the Consent Agenda item as presented. Ms. McIver seconded the motion, which passed with affirmative votes being cast by Ms. Allen, Mr. Brennan, Mr. Diggs, Mr. Kellman, Ms. McIver, Mr. Myer, Ms. Nevins-Hawks, Ms.
Pinheiro, Mr. Scott and Mr. Syed. There were no dissenting votes.

**Items for Discussion and Vote**

**4. O’Neill property, 713 Cliveden Road, Sudbrook Park; Contributing structure in the Sudbrook Park County Historic District; Ex post facto garage demolition due to destruction from fallen tree (Code Enforcement Correction Notice # CB1900044) [County Council District # 2]**

Approved via the Consent Agenda to issue an Ex post facto Notice to Proceed

*Citing County Code, Sec 32-7-405; 32-7-403*

**5. Bair property, 4607 Prospect Avenue, Glyndon; Non-contributing structure in the Glyndon County Historic District; Ex post facto installation of a 6 foot high wood privacy fence; Ex post facto construction of a 12 foot x 28 foot single car garage addition; Ex post facto construction of a 13 foot by 13 foot addition (Baltimore County Code Enforcement Case # CC1814071; Baltimore County Code Enforcement Correction Notice # CB1800693) [County Council District # 2]**

Ms. Rising gave an overview of the item which involved 2 separate Code Enforcement complaints. In response, the applicant submitted 3 separate Ex post facto requests for items already constructed. She shared that a Technical Committee consisting of herself, Ms. McIver and Mr. Myer visited the site and met with the applicant on March 11, 2019 and generated a report that was shared with the Commission prior to the meeting. Ms. Rising described Code Enforcement Case # CC1814071, which involved the prior installation of a 6 foot high wood privacy fence. She added that the complaint included zoning violations related to the fence installation which were not under the purview of the LPC. Pursuant to the Final Order issued by the Office of Administrative Hearings on February 11, 2019, the proposal was being brought forward prior to the April 12, 2019 date of correction specified on the Order. Ms. Rising also provided details related to Code Enforcement Correction Notice # CB1800693 involving the construction of a 12 foot x 28 foot single car garage addition to the eastern elevation of the structure and a 13 foot by 13 foot addition involving the northwest section of the structure. She stated that this correction notice also involved zoning violations not under the purview of the LPC. Permit applications involving all the items were requested from PAI on February 4, 2019 and were tabled pending LPC review. Ms. Rising explained how fences were considered under the Baltimore County Historic Design Guidelines. She added that they were usually recommend to be constructed of wood and located to the rear of the property. Ms. Rising indicated that the already constructed wood fence was a style previously approved by the Commission. She went on to describe the applicability of the Historic Design Guidelines to structural alterations involving a non-contributing house in terms of compatibility and effect to the overall Historic District and explained that Prospect Avenue was a dead end street on the outer edge of the Glyndon County Historic District.
Mr. Brennan asked the Technical Committee to summarize their report. Mr. Myer confirmed the details of the work items as explained by staff and explained they felt if the proposal had been submitted normally, it would have been approved. Ms. McIver agreed with Mr. Myer. Mr. Brennan noted that two people signed up to speak on this item. He recognized Mr. Tom Montanye, resident of 4609 Prospect Avenue, who introduced himself as the neighbor of the subject property on the other side of the fence. Mr. Montanye explained that he was speaking primarily out of concern for the fence and added that he had no issues with the other items assuming the proper processes and codes were followed. He clarified that his main objection involved the portion of the new fence that was directly adjacent to his driveway which had replaced shrubs and a previously existing cosmetic picket fence. Mr. Montanye stated that he believed the new fence was not built to code based on the siting of the two properties and their front and side yards. He added that the relationship of the fence to his driveway has negatively changed his view. Mr. Montanye remarked that he would like to see the expansion of the fence adjacent to his driveway be removed.

Ms. McIver asked Mr. Montanye if he had discussed his concerns with the neighbor before it was constructed. He replied that Ms. Bair had made him aware of the fence project and its proposed new location but had not expected the height and location being in such close proximity to the property line and parking pad. Ms. McIver asked if the fence was on the neighboring property and Mr. Montanye replied that it was.

Mr. Kellman remarked that there was information in the zoning regulations for fences unrelated to historic review and asked if the applicant had applied for a fence permit. Ms. Rising responded that a fence permit application had been filed and confirmed it was her understanding a zoning hearing would be scheduled. Mr. Kellman explained there were zoning regulations involving the erection of a fence in the side and rear yard adjoining a neighboring front yard. He added that the fence needed to be a certain height and distance away from the property line to avoid problems but stated there were certain exceptions. Mr. Kellman encouraged Mr. Montanye to look into the regulations but agreed there could be a conflict. Ms. Rising commented that she was not familiar with the details of the zoning issues as it was not under the purview of the LPC. She clarified the applicant may have to come back with a new plan depending on whether or not relief was granted. Mr. Montanye stated that he had tried to resolve the issue directly with his neighbor but was unsuccessful which led him to contact the County for assistance.

Mr. Brennan recognized Ms. Donna Bair as the owner of the property and invited her to speak. Ms. Rising clarified for the record that the LPC members had received Ms. Bair’s letters and materials that summarized the situation prior to the meeting. Ms. Bair stated she wished to keep her fence because of her pool and privacy and added the company responsible for the fence installation had indicated they applied for a permit when they had not done so. She further explained that the fence had been discussed with her neighbor but blocking noise from their cars and dogs was an additional reason for why it was installed. Ms. Bair said the neighbor also moved their driveway closer to her house after the fence was installed. She clarified that her house actually sits in front of the neighbor’s house and her pool sits in front of
their foundation, consequently the fence was for added safety of her grandchildren and privacy to enjoy the yard.

Mr. Brennan stated they were only concerned with the design issues and thanked both speakers for their testimony.

Ms. Nevins-Hawks commented that the front gate as specified in the plans was not aligned with the back of the house. Ms. Bair responded that because of the pool the County Code required the fence gate to open out. She said the house was on a slope, with the front of the house going down, and added the existence of a walkway led the fence installers to suggest the gate be moved forward so it could open outward. Consequently they could avoid disturbing the walkway by not having to dig down.

Ms. Pinheiro remarked that the permit situation was not within the Commission’s purview and noted the Technical Committee’s opinion that the work would have been approved. Ms. Pinheiro added she thought the fence looked good and along guidelines.

Ms. Rising commented it was unfortunate that the contractor doing the work did not apply for the permit as was stated on the invoice and paid for by the owner since any outstanding issues relating to historic review and zoning would have been flagged. She encouraged the Commission to focus on the design.

Ms. McIver moved to issue an Ex post facto Certificate of Appropriateness for the fence, and the 2 additions, as currently constructed. Mr. Diggs seconded the motion which passed with affirmative votes being cast by Ms. Allen, Mr. Brennan, Mr. Diggs, Mr. Kellman, Ms. McIver, Mr. Myer, Ms. Pinheiro, Mr. Scott and Mr. Syed. Ms. Nevins-Hawks voted nay.

(Citing Baltimore County Historic Design Guidelines: Fences & Landscape, p. 4; Additions & Infill, pp. 5-7) County Code, Sec 32-7-405; 32-7-403

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

North Property, 1100 Copper Hill Road, Bare Hills; Technical Committee approval for amendment to Pt II to upgrade cooling and dehumidification units. [County Council District # 2]

Other Business

Ms. Rising provided Code Enforcement updates for several properties including 3605 Stoneybrook Road, 501 Bond Avenue and 5120 South Rolling Road.

Ms. Rising also identified 2 items in the binder of interest to Commission members including a schedule of programs being offered by the Maryland Association of Historic District
Commissions and an event flyer for the upcoming spring speaker series hosted by the Community College of Baltimore County.

Ms. Allen offered to share an article from the New York Times about Hudson Yards and a website developed by UMBC called Early Baltimore.

Ms. Pinheiro moved to adjourn the meeting. Mr. Scott seconded the motion which passed with affirmative votes being cast by Ms. Allen, Mr. Brennan, Mr. Diggs, Mr. Kellman, Ms. McIver, Mr. Myer, Ms. Nevins-Hawks, Ms. Pinheiro, Mr. Scott and Mr. Syed. There were no dissenting votes.

The meeting adjourned at 7:24 p.m.

TDR:tdr