

Minutes
Baltimore County Landmarks Preservation Commission
April 12, 2007 Meeting

Mr. James Matthews, Chairman, opened the regular monthly meeting of the Baltimore County Landmarks Preservation Commission (LPC) at 6:03 p.m. The following Commission members were:

Present

Mr. James E. Matthews, Chairman
Mr. John W. Hill, Vice-Chairman
Mr. C. Bruce Boswell
Mr. David J. Bryan
Mr. Edward E. Hardester, Jr
Mr. Qutub K. Syed
Ms. Norma Secoura
Dr. Robert Gregory
Mr. Steven Fedder
Ms. Nancy Horst
Mr. Thomas L. Reynolds
Ms. Carol Allen

Not Present

Ms. Wendy McIver
Mr. Louis S. Diggs

County staff present included Vicki Nevy (Secretary to the Commission), Jeff Long (Deputy Director for the Office of Planning), Caren Beth Hoffberger (Chief for Preservation Services), Mike Field (Assistant County Attorney), Teri Rising and Karin Brown (Preservation Services staff).

Mr. Matthews informed the Commission that the meeting would be preceded by a special presentation by Ms. Allen, on "Nominating Structures to the Preliminary Landmarks List."

Ms. Allen began her presentation by stressing the importance of being proactive by nominating properties to the Landmarks List. She suggested several steps that should be taken in the process. To begin with, she recommended preparing a list of properties. Perusal of the real estate section in local papers, articles about historic homes, or the MIHP (a.k.a. MHT) Inventory could yield potential candidates. After a cursory review of whether a property might merit nomination and determining in which Council District it is located, Ms. Allen thought it prudent to learn about the respective Councilman's attitude about third party nominations. Next, the property owner should be approached - she suggested finding someone who knows him/her. The owner should be given a package of relevant materials (Question and Answers about what it means to be on the Landmarks List, and information about the County and State Tax Credit programs) and a note urging him/her to read the materials. In an ideal scenario the owner will consent to the nomination and collaborate with the applicant.

In completing the nomination form, it is important to consider which of the five Landmarks criteria the structure meets. Applicants are encouraged to complete the nomination form to the greatest extent possible, but Preservation Services staff routinely assists applicants in perfecting the forms. Ms. Allen noted that Ms. Rising, has been doing an excellent job in researching and writing nominations.

Ms. Allen stated that she would prepare a sample package for each member of the Commission, which would include a letter from the Chairman, information about Landmarks structures and Tax Credits, as well as a brochure prepared by Historic Towson, Inc. The materials would be handed out as soon as possible.

Review of the Agenda

1. Ms. Hoffberger informed the Commission that there was a minor change to the Revised Agenda, item 5, the “Wicks House District,” had been added as an agenda item. The Towson Properties were thereby moved back to become item 6.

Approval of the Minutes

2. There were no corrections to the Minutes. Mr. Hill moved to approve the March 8, 2007 Minutes. Mr. Boswell seconded the motion, which passed unanimously on a voice vote.

Consent Agenda

- 2A. Mr. Matthews asked Ms. Hoffberger to describe the item scheduled on the Consent Agenda and determined that no person present objected to its approval as submitted. Dr. Gregory moved that, for the reasons stated, and in accordance with any conditions stated in the written Action Summaries provided to the members of the Commission by staff, item 4 be approved as submitted. Mr. Hardester seconded the motion, which passed unanimously on a voice vote.

Public Hearing on a Nomination to the Landmarks List

3. **“Dr. Rider House” and ten other on site structures and the setting, 36 Church Lane, Owings Mills; County Register (MIHP) # BA-669 [County Council District # 5]**

Mr. Dino LaFiandra, attorney with Whiteford, Taylor & Preston and Mr. Larry Link, architect, represented the Baltimore-Washington Conference of the Methodist Church, the property owners. Mr. LaFiandra stated that Ms. Rider, the previous owner, willed the property to the church in 1991. He requested that the Commission make a determination in regard to which of the five criteria would apply to the property in question. Mr. Link noted that the house was plain and ordinary and made up of several different styles. It was not the work of a master builder. Additionally, he informed the LPC that the Dr. Rider referred to in the

nomination, was not the Dr. Rider who had been instrumental in the development of Ruxton-Riderwood, but his son. This son had his practice and primary residence in Baltimore City. The property on 36 Church Road was a summer home.

Ms. Patricia Bentz, executive director of the Baltimore County Historical Trust, who had nominated the property, explained that the house had been stripped of all its characteristic features prior to requesting a demolition permit. She stated that the house, with its outbuildings reflects a time in Owings Mills in the late 1800s.

Ms. Joyce Williams, secretary of the homeowner's association of the community abutting the site, communicated her appreciation of the site's existing conditions and stated that she would be opposed to any future development of the site. Mr. Boswell noted that he had gone into the house. He did not observe serious water damage, in spite of the fact that all windows, trim and shutters had been removed from the property. He noted that the Rider House had new copper pipes and that the heater was no more than three years old. He believed that the house could be restored.

Dr. Gregory stated that he was very familiar with the building. He thought that it was a very nice building, but that he did not think that it could meet any of the five criteria. Mr. Boswell disagreed; he thought the house represented an example of a self-sufficient farmstead and that there are only a few of such properties left. Additionally, he thought that criterion 5 would be applicable, since the property may yield information about life 100 years ago.

Mr. Hill thought the property had been too far compromised to warrant placing it on the Preliminary Landmarks List. Dr. Gregory moved not to place the structure on the Preliminary Landmarks List. Mr. Hill seconded the motion. Corey Katz, a young man who lives in the neighborhood, stated that he opposed the demolition request because "something had to be saved." Mr. Fedder observed that the mission of the LPC is to determine whether a property is historic or not. Voting for any other reasons would render the Commission an instrument of anti-development forces.

Mr. Matthews reminded the LPC that a motion was on the floor, not to place the "Rider House" on the Preliminary Landmarks List. Dr. Gregory, Mr. Fedder and Mr. Hill, voted for the motion. Ms. Allen, Mr. Boswell, Mr. Bryan, Mr. Hardester, Ms. Horst, Mr. Reynolds, Ms. Secoura and Mr. Syed voted against the motion. The motion failed. Mr. Reynolds moved to place the "Rider House" and its setting on the Preliminary Landmarks List. Ms. Allen seconded the motion. Mr. Field reminded the Commission that they would need to state under which criterion/criteria the nomination was made. Ms. Allen cited criterion 1)- For its association with an event – the event being the role played by self-sufficient farm operations in Baltimore County. Mr. Boswell asked to add criterion 5) – that it has yielded or may be likely to yield information or materials important in

prehistory or history. Ms. Allen, Mr. Boswell, Mr. Bryan, Mr. Hardester, Ms. Horst, Mr. Reynolds, Ms. Secoura and Mr. Syed voted for the motion. Mr. Fedder, Dr. Gregory and Mr. Hill voted against the motion. The motion passed.

Alteration to properties in County Historic Districts or Landmark structures

4. Mayer property, 5163 Viaduct Avenue, Relay; contributing structure in the Relay County Historic District [County Council District # 1]

This item concerned a request to construct a fence in the rear yard.

Approved via the consent agenda to issue a notice to proceed.

5. Wicks House Historic District (a.k.a. Taylor House), 301 Lennox Avenue, East Towson [County Council District # 5]

This item concerned a request to demolish a non-historic addition. Ms. Hoffberger read staff's recommendation to vote to issue a notice to proceed.

Mr. Christopher Preller, the contractor, came to testify on behalf of the owner. He explained that the Wicks House is presently undergoing complete rehabilitation (a tax credit application describing the rehabilitation work was approved by the Commission on June 8, 2006). Showing photos on the overhead projector, Mr. Preller demonstrated that the foundation of the addition was almost non-extant and that there was a danger that the addition's precarious condition may cause the collapse of the historic portion of the house. He asked for permission to demolish the non-historic addition and to rebuild a new addition on the same footprint. Mr. Hardester moved to accept staff's recommendation and to issue a notice to proceed. Mr. Syed seconded the motion, which was approved unanimously on a voice vote.

Recommendations on Baltimore County Register (MIHP) Structures

- 6. Towson properties:**
204 Washington Avenue; County Register (MIHP) # BA-1495;
206 Washington Avenue; County Register (MIHP) # BA-1494;
208 Washington Avenue; County Register (MIHP) # BA-1493;
212 Washington Avenue; County Register (MIHP) # BA-1492;
214 Washington Avenue; County Register (MIHP) # BA-1491;
205 Courtland Avenue; County Register (MIHP) # BA-1500;
207 Courtland Avenue; County Register (MIHP) # BA-1501;
209 Courtland Avenue; County Register (MIHP) # BA-1502;
211 Courtland Avenue; County Register (MIHP) # BA-1503;
111 Susquehanna Avenue (a.k.a. 215 & 217 Courtland Avenue); County Register (MIHP) # BA-1490

This item concerned demolition requests for 10 dwellings in the Towson core for the purpose of redeveloping the site with a high-rise apartment building. Ms. Hoffberger read staff's recommendation to vote to issue a notice to proceed.

Mr. Arnold Jablon, attorney to the property owner and Mr. David Hillman, representing Southern Management, the contract purchaser, stated that Mr. Matthews and Mr. Syed had formed the Technical Committee that visited the site. Ms. Hoffberger represented staff. Both, Mr. Matthews and Mr. Syed concurred that the buildings had been too far compromised to warrant saving them. Mr. Syed moved to accept staff's recommendation and to issue a notice to proceed. Ms. Allen suggested creating a small museum in the new building that would show photographs of the existing buildings. Additionally, she felt that the demolition should not be approved until the proposed building's final design would be approved. Mr. Hillman stated that he would consider her suggestions. Ms. Allen, Mr. Boswell, Mr. Fedder, Dr. Gregory, Mr. Hill, Mr. Hardester, Mr. Reynolds and Mr. Syed voted in favor of the motion. Mr. Bryan and Ms. Secoura voted against the motion and Ms. Horst abstained. The motion passed.

Applications to Historic Tax Credits

Ms. Hoffberger noted that three more tax credit applications had been approved because the applicants had submitted signed/approved Part 2 State Tax Credit applications. Mr. Matthews mentioned that the State's historic tax credit program had been extended for another two years.

Other Business

Mr. Field presented an overview of Bill 26-07, which was to be presented for vote on Monday, April 19, 2007. He explained that Bill 26-07 creates a County Inventory[♦] and codifies a process for demolition requests for properties that have MIHP (formerly known as MHT, a.k.a. BA) numbers. Demolition requests for properties with MIHP numbers would automatically trigger a public hearing. The LPC would make a decision on whether to approve the demolition request or whether to place the structure on the Preliminary Landmarks List. In case of the former, a notice to proceed would be issued. The special administrative hearing by the Zoning Commissioner – a current policy practice, would be eliminated.

Mr. Field noted that the special administrative hearing had its genesis in the demolition of the Samuel Owing's house in 1996. To prevent a repeat occurrence, the County had instigated the special administrative hearing process, whereby the Zoning Commissioner, would hear demolition requests involving properties that had MHT (now referred to as MIHP) numbers. Because the

[♦] Note: The County Register was renamed County Inventory. The County Inventory is identical to the County Register in content i.e. it includes all properties on the MIHP Inventory and properties on the Preliminary and Final Landmarks List.

Zoning Commissioner lacked expertise in historic preservation, he deferred the case to the LPC for guidance.

The problem with county practice was that it set up procedures that did not exist in law but that imposed great burdens on the property owner, the LPC, and the County government in general. Because the Zoning Commissioner wanted to know how the LPC felt about the property, the staff of the LPC would bring it to the Commission to decide only whether the demolition permit should be issued. This procedure exists nowhere in law and the Commission had no standards by which to make the decision. Usually, the Commission would decide not to allow the permit to be issued based on a vague sort of feeling that the property was historic and should be preserved. At that point, somebody would nominate the property for inclusion on the Preliminary Landmarks list and the Commission would be required to have a second hearing on the property. At least this procedure existed in law and the Commission would make its decision based on the five criteria. If the Commission decided to place the property on the Preliminary Landmarks list, it would forward the list to the Council. If the Commission decided not to landmark the property, the owner would again request his demolition permit. If the Council placed the property on the Final Landmarks list, that would be the end of the story - there would be no demolition permit. However, the Council is frequently sensitive to the desires of property owners. Generally, when the Council declines to place a property on the Final Landmarks list it is because the owner does not want it landmarked.

The problem with the current practice is this: Even if the LPC or the Council declines to landmark the property, the property owner would still have to go through the Zoning Commissioner's hearing before he could receive his demolition permit. Again, this procedure exists nowhere in law and again a decision was made without knowing what standards to apply. Probably 100% of the time, the Zoning Commissioner would allow the permit to be issued because he would decide that the LPC or Council was correct in deeming the property unworthy of landmarking. But, if the Zoning Commissioner did not agree and decided not to allow the property to be demolished, that property would be in limbo because the Zoning Commissioner does not have the authority to landmark a property. The property owner would be stuck with many of the burdens of landmarking and none of the benefits. This whole procedure was bad public policy.

Another outcome was that the process, which involved regulating the MIHP (MHT) Inventory, concerned the Maryland Historical Trust. The State's Historic Preservation Agency repeatedly admonished the County that the MIHP Inventory is not intended for regulatory purposes. It is a list of properties that may or may not be of historic interest. Because the Maryland Historical Trust does not notify owners when issuing a MIHP number, owners are generally unaware about the encumbrance on their property.

Mr. Field stated that an amendment was added to Bill 26-07, which would cease all regulatory functions for MIHP properties by April 29, 2010[♦]. The Bill with the amendment would end a process that the County should not have been involved with. He pointed out Baltimore County is the only jurisdiction that uses the MIHP numbers for regulatory purposes (Anne Arundel County considers MIHP numbers as part of the develop plan review process, but does not routinely thwart demolitions). Mr. Field noted that Baltimore County would continue to permit third party nominations. (Ms. Rising is presently going through the County Inventory classifying the properties listed according to their historic significance. Properties that have no or little historic value are separated from structures with high integrity. The latter are then ranked according to their significance. This should facilitate selecting properties for possible nomination).

Ms. Hoffberger apprised the LPC of the adoption of Bill 21-07, which placed nine additional structures on the Final Landmarks List.

Ms. Hoffberger urged the Commission to read the Draft Code of Ethics in preparation for the May meeting, and to consider whether they wish to adopt the Code or something similar. Mr. Field noted that the LPC is already subject to the County's Ethics Law. Mr. Fedder asked whether Mr. Field could prepare a primer of the County's Ethics Law, which Mr. Field agreed to do.

Mr. Bryan reported about the Randallstown Gateway Park project, which had come out of the Randallstown UDAT process. The process was a collaborative effort between area residents (including residents from the Fieldstone community) local religious organizations, the business community, the Office of Community Conservation and the Office of Planning.

Mr. Matthews reported on the imminent reconstruction of the "Jacob House." The logs had been carefully taken apart in the past and were now scheduled to be reassembled at the rear of the Carver Center. Metro Housing, Inc., an organization with which Mr. Matthews is involved, donated money to assist in the project. Mr. Matthews is now in possession of that check.

Mr. Reynolds moved to adjourn the meeting. Mr. Fedder seconded the motion which was approved unanimously on a voice vote. The meeting ended at 8:40 PM.

[♦] Note: Structures on the Landmarks List and contributing structures in a County Historic District would continue to be protected.