

**Minutes**  
**Baltimore County Landmarks Preservation Commission**  
**June 12, 2014 Meeting**

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

Mr. Rob Brennan, Chairperson, opened the regular monthly meeting of the Baltimore County Landmarks Preservation Commission (LPC) at 6: 00 p.m. The following Commission members were:

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

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

1. **Review of the Agenda**

Ms. Brown noted 1 item was added to the Preliminary Agenda published on June 5, 2014.

2. **Approval of the Minutes**

Mr. Brennan asked if anyone proposed changes to the May 8, 2014 Minutes. Hearing none, he called for a motion to approve the Minutes as drafted. Mr. Myer moved to approve the Minutes. Mr. Boswell seconded the motion, which passed unanimously on a voice vote.

**Public Hearing on Nomination to the Preliminary Landmarks List**

4. “Veterans of Foreign Wars Post #4438” structure and setting, 411A New Pittsburgh Avenue, Turner Station [County Council District #7]

Ms. Rising presented the history of the property and read staff’s recommendation to support the nomination.

Mr. Brennan acknowledged the presence of numerous supporters of the nomination in the audience. He asked if those supporting the nomination would raise their hands. The vast majority of those present in the audience enthusiastically raised their hands.

Dr. Newson-Horst spoke in support of the nomination and introduced Ms. Courtney Speed who reported on her community’s effort to protect and preserve buildings in the neighborhood. She thanked Ms. Rising for the in-depth research she completed in preparing the presentation in support of the nomination.

Ms. Rahemah Raheem also spoke in support of the nomination and shared her personal experiences as a child attending the Ernest Lyon Nursery School.

Mr. Brennan asked if any one who came to testify regarding the Veterans of Foreign Wars Post # 4438 did not support the nomination - hearing none he determined that only supporters of the nomination were present.

Ms. Horst expressed her gratitude to Ms. Rising for the completeness of her research and her hope that the building’s original window arrangement would one day be restored. Ms. Rising noted there are many pictures available to guide future renovation efforts.

Dr. Newson-Horst stated the Henrietta Lacks Legacy Group intends to apply for State grants to stabilize and renovate the structure. She pointed out the building is a symbol of what happened to historically African American communities after desegregation and complimented Ms. Rising for her excellent research and report.

Mr. Hord moved to vote to (a) place the “Veterans of Foreign Wars Post #4438(Ernest Lyon Nursery School-Community Bldg)” structure on the Preliminary Landmarks List under criteria (1) – for its association with the historic African American community of Turner Station and with the defense housing initiatives undertaken under the Lanham Act in preparation for World War II (2) - as the only surviving example of the childcare works completed under the Lanham Act that retains historic integrity in feeling, materials, association and setting (3) for its association with nationally significant African American architect, Hilyard R. Robinson, (b) to delineate the property 1.15 acres (map 110, parcel 50) as its historic environmental setting. Mr. Brennan seconded the motion which passed unanimously on a voice vote.

## **Code Violation – Demolition by Neglect**

5. “Shaw-Bauer House” a.k.a. Shaws Discovery, 2901 Bauers Farm Road, Edgemere, Final Landmarks List #241, MIHP # BA-940; determination whether the structure’s condition constitutes “Demolition-by-Neglect”

Mr. Hord recused himself from the discussion before the subject was introduced.

Ms. Brown introduced the issue by describing the structure’s historic significance and the events that transpired over the past ten years. She noted that a Technical Committee consisting of Ms. Benton and Messrs. Hord and Myer visited the site and prepared a Technical Committee Report along with recommendations. Additionally she pointed out that earlier in the day a proposal for addressing the current condition of the structure had been received from the property owner via his attorney. Ms. Brown stated that the Commission’s responsibility is to determine whether the structure’s condition constitutes “Demolition-by-Neglect” and if yes, vote on remedial actions that will be forwarded to the County Building Engineer for inclusion in the correction notice.

Mr. Francis Taylor, Vice President of the North Point Council and a member of the Star Bangle Banner Committee stated the Shaw-Bauer House is nationally significant for its association with the War of 1812. He noted the owner had previously agreed to rehabilitate the Shaw-Bauer House, but nothing has happened and the structure has deteriorated further. Mr. Taylor asked the LPC to stay vigilant to ensure the house is at least stabilized.

Mr. Chris Mudd, representing the property owner, stated the proposal submitted by his client for rectifying the structure’s current condition, is in keeping with the recommendations suggested by staff.

Mr. Boswell noted the Technical Committee report does not reference Preservation Brief #31. He explained that Brief 31 exceeds the scope of corrective work recommended by staff. For example, it would include a requirement to document existing architectural and structural features. Customarily such work would be performed by a qualified historic preservation professional. Ms. Brown responded she added a reference to Preservation Brief #31 to staff’s recommendation because it describes how to mothball a structure properly. The intent of staff’s recommendation is for the stabilization work to be completed in the spirit of Preservation Brief 31, not following its guidelines verbatim. She noted that she had forwarded a copy of the brief to Mr. Mudd and he was aware of its content.

Mr. Bryan asked Mr. Mudd if the property owner clearly understood what’s involved in meeting the standards of Preservation Brief #31. Mr. Mudd reported that he had shared the document with the property owner.

Mr. Boswell asked that provisions for adequate ventilation and proper grading be added to the corrective action recommendations. He suggested that the grading work be completed by an expert in the field because of the site's flat landscape. He stated the perimeter of the building will need to be graded so as to allow water to be carried further away from the building. He thought that drain tiles and possibly a sump pump system may be needed to correct the water penetration problem. Mr. Mudd found the additional provisions reasonable.

Mr. Bryan asked Ms. Brown to explain the process in regard to the code *enforcement aspect*. *Ms. Brown explained the Building Engineer will include the LPC directives in his correction notice. If corrective actions are not taken within the given time frame a citation is issued, followed by the issuance of fines.*

Mr. Harry Wujek, President of the North Point Council, stated that it was his organization that initiated the Demolition by Neglect complaint because they felt they had no other choice. It was his understanding that the Hearing Officer approved the Shaw's Discovery Planned Unit Development (PUD) under the condition that the Shaw-Bauer House would be rehabilitated. The developer agreed to this condition, but nothing had been done as of yet to rehabilitate the structure. He wanted to know why the developer was not held accountable and what he could do to make sure the promise was kept. Mr. Wujek noted it was his understanding that construction would begin shortly and it may be 5 or 6 years before the development is finished. He is concerned that once the project is completed no one had any recourse to force the developer to comply with the Hearing Officer's Order to rehabilitate the building.

Mr. Mayhew stated the PUD was approved in 2008. Once the County approved the development plan, market forces determined when it would move forward. He explained there are certain actions the developer has to take to get the development plan vested, but there is no time table as to when he needed to complete the rehabilitation, or install sewer, or begin with the construction of lots. Mr. Mayhew went on to say that the matter before the LPC this evening is Demolition-by-Neglect and that the issue Mr. Wujek raised is a larger picture about development proceedings.

Mr. Boswell noted that he understood that, but the issue was raised and he is asking staff whether there are any triggers that force a developer to comply with the conditions specified in the PUD approval. Mr. Mayhew stated that review of compliance with an order is generally tied to the completion of the project. Overseeing that aspect of the development process is within the purview of Project Management who makes sure the development agreement between the County and the developer is adhered to. These agreements generally relate to infrastructure projects, such as sewer and roads and he is not sure where the rehabilitation of the Shaw House is included in the agreement.

Ms. Horst asked if the North Point Council could go to the Planning Board and ask for a time table for completing the rehabilitation as part of the original PUD agreement. Mr. Mayhew stated they cannot. The Planning Board makes recommendations to the Hearing Officer, who in turn writes an order that is specific to the development before him.

Mr. Alexander Papas addressed the LPC and asked if there was anything within the PUD agreement which would prohibit the owner from transferring the historic structure to someone else. Ms. Brown answered that she did not think the developer would be prevented from selling the property.

Mr. Bryan moved to vote that the structure's condition constitutes "Demolition-by-Neglect"

To remedy the condition of Demolition-by-Neglect, the owner must take the following actions within 6 months from the date of this LPC hearing: stabilize or mothball the building in accordance with Preservation Brief #31. At a minimum, the owner must:

- replace gutters, soffits and fascia;
- close all remaining openings to prevent creatures from entering;
- stabilize the foundation and repair any concrete deterioration;
- remove vines from the walls and clear the grounds of overgrown brush;
- treat the building's termite infestation and correct past termite damage;
- grade the land surrounding the Shaw-Bauer House so that water flows away from the house and if required, install a drain-tile and sump-pump system to properly address water penetration;
- engage the services of a structural engineer to stabilize interior structural elements;
- make sure the property is properly ventilated.

Mr. Myer seconded the motion which passed unanimously on a voice vote.

A Technical Committee was subsequently established to work with staff and the Building Engineer as work moves forward. Nancy Horst, Bruce Boswell, Steve Myer and Rob Brennan agreed to serve on the Technical Committee.

### **Alteration to properties in County Historic Districts or Landmark structures**

6. "Kessler House", Bray property, 5134 South Rolling Road, MIHP #BA 2524, contributing structure in the Relay County Historic District; construction of a rear 44'x15' deck with roof [County Council District #1]

Ms. Brown described the proposal and noted a Technical Committee consisting of Ms. Benton, Ms. Nevins-Hawks and Mr. Brennan had visited the site and Mr. Brennan wrote the Technical Committee report. The report noted that the design would eliminate almost all natural light from entering the first floor rooms and basement. While the Technical Committee found the deck to be larger than

usually seen, they did not believe it would adversely affect the view from the public right-of-way. Ms. Brown read the staff recommendation to vote to issue a Notice to Proceed.

Mr. Hord stated there was not enough information provided by the applicant for him to base a decision upon. He suggested staff work with the homeowner to provide a more complete application and bring the proposal back for consideration at a subsequent meeting. He offered the submittal of Item #10 as a good example of a complete application.

Mr. Boswell suggested application guide lines be designed and made readily available for those bringing proposals before the LPC. In the meantime though, he expressed offering some latitude for accepting less than complete applications.

Mr. Bryan pointed out that typically the LPC considers details such as the pitch of a roof and railing style, both of which were not included on the application.

Ms. Kimberly Bray, one of the homeowners, noted the application does provide some dimensions and does indicate the use of pressure treated wood and asphalt shingles for the deck roof. She also corrected the overall dimensions of the deck as reported by staff.

Mr. Bryan moved to vote to offer provisional approval of the concept as presented with final approval being reserved until the time the homeowners submit final and complete plans at a future hearing. Ms. Horst seconded the motion which passed unanimously on a voice vote.

7. “Butler House”, Brown property, 5138 South Rolling Road, MIHP # BA-2525, contributing structure in the Relay County Historic District; roof/window/siding replacement and construction of a rear deck [County Council District #1]

Ms. Brown introduced the proposal and explained that in addition to the construction of the deck, the homeowner proposes replacing aluminum siding and windows with vinyl windows and siding and replacing a metal roof with an asphalt shingle roof. She noted a Technical Committee had visited the site and found no issue with replacing the roof, windows and siding as proposed, however, did recommend reducing the size of the proposed deck.

Mr. Hord stated he had the same issues with the proposal for this deck as he had with the previous deck proposal, namely the lack of specific details as to dimensions, style and materials.

Mr. Bryan moved to vote to issue a Notice to Proceed with replacement of the roof, windows and siding but not the deck until the time the homeowner can

submit a complete proposal at a future hearing. Mr. Boswell seconded the motion which passed unanimously on a voice vote.

8. DiPaula property, 1604 Kurtz Avenue, contributing accessory structure in both the Lutherville County Historic District and Lutherville National Register Historic District; ex-post facto approval of the in-kind repair/replacement of existing siding [County Council District #3]

Ms. Brown reported this item was brought to the attention of staff as a result of a complaint filed via the new on-line reporting system adopted by the County. The property owner contacted staff in an effort to resolve the complaint. Ms. Brown explained that while the work completed was done so without prior LPC approval, it was done in compliance with the Secretary of the Interior's Standards and staff recommended the LPC vote to issue a Certificate of Appropriateness.

Mr. Pen Jones, representing the Lutherville Advisory Committee, noted he met with the homeowner and had no objection to the completed work.

Mr. Hord moved to vote to issue an Ex-post facto Certificate of Appropriateness. Mr. Boswell seconded the motion which passed unanimously on a voice vote.

- \*\*9. "Noppenberger House", Jackson property, 1610 S. Rolling Road, MIHP #BA-2379, contributing structure in the Relay County Historic District; installation of a 42 inch tall wood picket fence around a portion of the rear and side yard [County Council District #1]

Approved via the consent agenda to issue a Certificate of Appropriateness.

10. "Davenport House"(Bellevue), Mitchell property, 2101 Mt. Carmel Road, Parkton, Final Landmarks List # 382, MIHP #BA 580; remodeling of an existing non-historic addition [County Council District #3]

Ms. Brown explained this matter concerns a request to replace an existing non-historic addition with a new addition constructed on the same footprint. She elaborated that a Technical Committee consisting of Ms. Nevins-Hawks and Messrs Myer and Hord had visited the site and found the proposal to be well designed and compatible with the existing historic structure.

Mr. Hord complimented the homeowners on submitting a complete application.

Mr. Boswell moved to vote to issue a Certificate of Appropriateness. Ms. Horst seconded the motion which passed unanimously on a voice vote.

11. Prugh property, 1505 Francke Avenue, contributing structure in both the Lutherville County Historic District and Lutherville National Register Historic District; installation of a 42 inch tall privacy fence and 60 inch tall privacy fence along a portion of the side and rear yard [County Council District #3]

Ms. Brown described the proposal and noted the Lutherville Advisory Committee's suggestion that the homeowner consider either a different fence design or the use of shrubbery as a buffer.

Mr. Hord moved to vote to issue a Certificate of Appropriateness, subject to staff approving another fence style than the one proposed by the homeowner or the use of shrubbery in lieu of a fence. Mr. Norman seconded the motion which passed unanimously on a voice vote.

12. Spangler Hall (St. Paul's Evangelical Lutheran Church), non-contributing structure in both the Lutherville County Historic District and Lutherville National Register Historic District; replacement of a gravel parking area with an asphalt parking pad [County Council District #3]

Ms. Brown explained the proposal involves a request to pave an existing gravel parking pad of a non-contributing accessory church building. She indicated staff had visited the site and found the subject area to be untidy. Ms. Brown reported the Lutherville Advisory Committee had considered the proposal and noted existing problems with run-off caused by the church's impervious parking lot and expressed concerns about adding to the problem.

Ms. Brown noted staff's recommendation to vote to issue a Notice to Proceed, subject to the applicant removing all materials presently stored at the rear wall of the building and buffering the dumpster from view via plantings or a board on board 42 inch high fence.

Mr. Bryan moved to vote to issue a Notice to Proceed subject to the applicant removing all materials presently stored at the rear wall of the building and buffering the dumpster from view via a board on board 42 inch high fence. Mr. Myer seconded the motion which passed unanimously on a voice vote.

### **Applications for Tax Credit**

- \*\*13. Carpenter property, 713 Pleasant Hill Road, contributing structure in the Oella National Register Historic District; replacement of existing air conditioning system [County Council District #1]

Approved via the consent agenda to issue a Certificate of Appropriateness.



- \*\*14. Schamp/Newill property, 6907 Avondale Road, contributing structure in the Stoneleigh National Register Historic District; installation of a ductless air conditioning system [County Council District #5]

Approved via the consent agenda to issue a Certificate of Appropriateness.

- \*\*15. Kelly property, 207 Stanmore Road, contributing structure in the Rodgers Forge National Register Historic District; in-kind repairs of existing slate roof, in-kind replacement of existing front gutters, replacement of existing front porch railing with a wrought iron railing and in-kind replacement of wood framing around front bay window [County Council District #5]

Approved via the consent agenda to issue a Certificate of Appropriateness.

- \*\*16. Paradise property, 7103 York Road, contributing structure in the Stoneleigh National Register Historic District; in-kind repairs of the existing slate roof and in-kind replacement of existing downspouts/gutters [County Council District #5]

Approved via the consent agenda to issue a Certificate of Appropriateness.

- \*\*17. Schweitzer property, 603 Stoneleigh Road, contributing structure in the Stoneleigh National Register Historic District; replacement of an existing boiler/hot water heater/piping [County Council District #5]

Approved via the consent agenda to issue a Certificate of Appropriateness.

- \*\*18. Hylton property, 411 Hopkins Road, contributing structure in the Rodgers Forge National Register Historic District; installation of a high efficiency gas furnace [County Council District #5]

Approved via the consent agenda to issue a Certificate of Appropriateness.

- \*\*19. Rosenberg/Shah property, 215 Overbrook Road, contributing structure in the Rodgers Forge National Register Historic District; installation of a new furnace and central air conditioning system [County Council District #5]

Approved via the consent agenda to issue a Certificate of Appropriateness.

***Report on County Tax Credit applications approved, or emergency repair approved***

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

Aversa property, 605 Chumleigh Road, contributing structure in the Stoneleigh National Register Historic District; interior/exterior painting, window repairs, replacement of existing insulation and replacement of existing HVAC system [County Council District #5]

### **Other Business**

Mr. Hord stressed the importance of requiring all applicants to provide complete applications. He noted complete applications should include elevation drawings and specifics with regard to existing dimensions and materials and proposed dimensions and materials. Mr. Boswell commented that requiring the submittal of elevation drawings in some cases could be problematic for both home owners and staff. Ms. Hafford expressed an understanding that many projects are subject to standard building codes and permit regulations and therefore already bound to being constructed under expressed constraints. Ms. Brown offered to draft a checklist for submittal guidelines to be circulated for consideration by the LPC.

Mr. Bryan moved to adjourn the meeting. Mr. Hord seconded the motion, which was approved unanimously on a voice vote. The meeting adjourned at 8:12 p.m.

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