

**Minutes**  
**Baltimore County Landmarks Preservation Commission**  
**June 8, 2017 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 6:01 p.m. The following Commission members were:

Present

Ms. Carol Allen  
Ms. Rose A. Benton  
Mr. C. Bruce Boswell  
Mr. Robert P. Brennan, Chair  
Mr. Louis Diggs  
Ms. Nancy W. Horst, Vice Chair  
Mr. Mitch Kellman  
Ms. Wendy McIver  
Mr. Stephen P. Myer  
Mr. David S. Thaler  
Mr. Richard Yaffe

Not Present

Ms. Faith Nevins Hawks  
Mr. Ed Hord  
Mr. Qutub U. K. Syed

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 reported one agenda item was pulled from the Preliminary Agenda published on June 1, 2017 and one item changed from being a consent agenda item to not being a consent agenda item.

2. **Approval of the Minutes**

Mr. Brennan asked if anyone proposed changes to the May 11, 2017 Minutes.

Hearing none, Mr. Brennan called for a motion to approve the Minutes as drafted.

Mr. Thaler moved to approve the Minutes as drafted. Mr. Diggs seconded the motion, which passed with affirmative votes being cast by Ms. Allen, Mr. Boswell, Ms. Benton, Mr. Brennan, Mr. Diggs, Ms. Horst, Mr. Kellman, Ms. McIver, Mr. Myer, Mr. Thaler and Mr. Yaffe. There were no dissenting votes.

**3. Consent Agenda**

Ms. Rising read the Action Recommendation for Consent Agenda Items 5, 7, 8, 9, 11, 12 and 13.

Mr. Brennan called for a motion. Mr. Diggs moved to approve the consent agenda items as presented. Mr. Kellman seconded the motion, which passed with affirmative votes being cast by Ms. Allen, Mr. Boswell, Ms. Benton, Mr. Brennan, Mr. Diggs, Ms. Horst, Mr. Kellman, Ms. McIver, Mr. Myer, Mr. Thaler and Mr. Yaffe. There were no dissenting votes.

**Items for Discussion and Vote**

4. Presbyterian Home of Maryland, (house, accessory structure & setting), 400 Georgia Court; Public Hearing on Nomination to the Preliminary Landmarks List [County Council District #5]

*Postponed to September 14, 2017*

- \*\*5. Irvin property, 11908 Jericho Road, contributing structure in the Franklinville County Historic District; installation of a wood picket fence (36" tall with 1"x6" wide, dog eared pickets spaced no further than 4" apart) in the front yard where a split rail fence currently exists and replacement of the existing pressure treated wood front porch railing with a pressure treated wood railing of a more appropriate style [County Council District #3]

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

*Citing Baltimore County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Fences & Landscape, p. 3 and Porches & Steps, p. 4.*

6. O'Haro property, 5008 Cedar Avenue, empty lot remaining after previously existing contributing structure was destroyed in a fire, Relay County Historic District; in-fill construction of a two story house with brick and stone veneer front façade, front stucco accents, vinyl siding elsewhere and a three bay side loaded attached garage [County Council District #1]

Ms. Rising explained the property owner contacted staff earlier in the day to ask that the application be withdrawn and indicated he plans to submit a revised proposal at a later time.

- \*\*7. Chakravarthy property, 3603 Briarstone Road, contributing structure in the Fieldstone County Historic District; in-kind replacement of an existing asphalt shingle roof [County Council District #4]

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

*Citing Baltimore County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Roofs, p. 8*

- \*\*8. Soper property, 3613 Blackstone Road, contributing structure in the Fieldstone County Historic District; installation of a front storm door where a storm door previously existed [County Council District #4]

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

*Citing Baltimore County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Windows & Doors, p. 8.*

- \*\*9. Klinger property, 719 Anneslie Road, contributing structure in the Anneslie National Register Historic District; Part II approval for repairs to the existing chimney lining [County Council District #5]

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

*Citing Baltimore County Code, Section 11-2-201 and National Park Service, Technical Preservation Services, Preservation Brief #24 – Heating, Ventilating, and Cooling Historic Buildings – Problems and Recommended Approaches.*

10. “Bellevue Farm” (Davenport House and accessory structures), Mitchell property, 2101 Mt. Carmel Road, Parkton vicinity, Final Landmarks List #376, MIHP # BA-0580; ex-post facto approval for shed rehabilitation and alterations, in-kind replacement of siding

and trim, installation of gutters and downspouts, repair of 4 existing windows, in-kind replacement of east elevation door, installation of window on south elevation where a door previously existed, installation of a door on the west elevation where non previously existed [County Council District #3]

Ms. Rising explained that while the property owners were involved in other aspects of a larger rehabilitation plan that had been approved by the Commission, the scope expanded into a more comprehensive project that involved changes in materials and alterations to windows and doors which had not received prior approval from the Commission. She noted the Design Guidelines generally recommend approval for in-kind replacements of materials when repair is not feasible and also allow for changes to previously altered windows and doors provided there is a historic basis for those changes. Ms. Rising also noted the applicant contends there was evidence to support the changes made to the structure.

Ms. Rising indicated the Commission had the option to determine the changes were eligible for an ex-post facto Certificate of Appropriateness or Notice to Proceed. They could also determine the changes were not appropriate and refer the matter to Code Enforcement in order to define a specific remedy as the work was performed without prior approval of the Commission. Ms. Rising indicated staff's recommendation was to vote to issue an ex-post facto Certificate of Appropriateness.

Mr. Brennan determined one of the applicants, Ms. Betsy Mitchell, and the applicant's contractor, Mr. Buck Harmon were present and available for discussion.

Mr. Boswell asked what evidence existed on the west side of the building to justify the addition of a door and what evidence existed on the south side to justify changes to that elevation.

Ms. Mitchell indicated there was no evidence on the west elevation, however, a garden previously existed on that side so they felt it made sense to place a door there. As for the southern elevation, Ms. Mitchell indicated there was evidence of a filled in doorway and referred to photos submitted.

Mr. Boswell asked if Mr. Harmon had a Maryland Home Improvement Contractor's license number. Mr. Harmon reported he did not. He explained that as an artisan, the work he was doing did not require him to have a license.

Mr. Boswell indicated that he did believe the work performed by Mr. Harmon was subject to Maryland Home Improvement Commission regulations and that those regulations were broken.

Mr. Thaler agreed and indicated he believed the scope of work being completed was subject to Maryland Home Improvement Commission regulations.

Ms. McIver asked why a revised plan was not submitted. Ms. Mitchell explained the project was completed in different stages over the course of 6 months. Because of the on

again, off again timing involved, they simply didn't remember the expanded scope of work would require additional review and approval by the Commission.

Mr. Thaler stated the work required a contractor with a MHIC license and the matter should be referred to Code Enforcement.

Mr. Boswell indicated staff does not have a clear understanding of when a MHIC license is required.

Ms. Rising explained that while staff does routinely advise homeowners that contractors should be licensed, the license requirement is tied to the need for a County Building Permit. Issuance of County Building Permits is a function of the Permits, Approvals and Inspections Office with that office regulating the need for licensed contractors or not. Staff also recommended that similar questions relating to contractor information be proposed earlier to allow staff time to discuss the questions with the homeowner ahead of time.

Ms. Allen moved to vote to issue an ex-post facto Certificate of Appropriateness for rehabilitation and alterations to the garden shed which included the in-kind replacement of siding and trim, installation of gutters and downspouts, repair of 4 existing windows, in-kind replacement of east elevation door, installation of window on south elevation where a door previously existed, installation of a door on the west elevation where non previously existed and to encourage Mr. Harmon to obtain a license from the MHIC.

Ms. McIver seconded the motion.

Mr. Thaler again stated the work required a contractor with a MHIC license and that in light of Mr. Harmon's defiance of the regulations, the matter should be referred to Code Enforcement.

Mr. Brennan called for a vote. The motion passed with affirmative votes being cast by Ms. Allen, Ms. Benton, Mr. Brennan, Mr. Diggs, Ms. Horst, Mr. Kellman, Ms. McIver, Mr. Myer, and Mr. Yaffe. Mr. Boswell and Mr. Thaler opposed the motion and cast dissenting votes.

*Citing Baltimore County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Windows & Doors, pp. 4-5, p. 8; Façade Materials, p. 1; Roofs, p. 5; Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings – Choosing Rehabilitation as a Treatment; Design for the Replacement of Missing Historic Features.*

Mr. Harmon indicated he was offended by the accusations made by some LPC members. He reported he has completed work for other projects previously approved by the LPC and cited the Glyndon Women's Club handicap accessibility ramp as one where he was required to pull a County Building Permit and was not required to show a license to do so.

Mr. Boswell stated he agreed with Mr. Thaler on the subject of a license being required and also felt staff to the LPC needs to be educated on the requirements for contractor licensing.

Ms. Mitchell stated she felt some of the LPC members failed to appreciate Mr. Harmon's respect and appreciation for the value of historic structures.

- \*\*11. Ballestone (Cedar Point) Mansion, 1935 Back River Neck Road, Final Landmarks List # 2, National Register of Historic Places, MIHP # BA-0262; in-kind repair of an existing rear porch decking and joists [County Council District #7]

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

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

- \*\*12. Sheffy property, 314 Morris Avenue, non-contributing structure in the Lutherville County Historic District; removal of an existing deck and construction of a 32'8" x 12' rear deck with vinyl decking, railings and trim [County Council District #3]

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

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

- \*\*13. Morris property, 317 Dumbarton Road, contributing structure in the Rodgers Forge National Register Historic District; Part II approval for the installation of central air-conditioning where none currently exists [County Council District #5]

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

*Citing Baltimore County Code, Section 11-2-201 and National Park Service, Technical Preservation Services, Preservation Brief #24 – Heating, Ventilating, and Cooling Historic Buildings – Problems and Recommended Approaches.*

14. Wicks House Historic District, 301 Lennox Avenue, East Towson, Single property County Historic District, MIHP # BA-1009; installation of a wood, 6 foot tall "Hamilton" privacy fence across the side yard, (off the Jefferson Avenue, rear corner of the house) and extending 59 feet towards the rear property line (along the Jefferson Avenue side yard) per the site plan [County Council District #5]

Ms. Rising introduced the proposal involving the installation of a fence on a corner lot which is a single property historic district. She noted the single property designation essentially works the same as a HES does and had been applied in a few instances before the law changed to include HES designations. She also noted the property is located within the East Towson Design Review Panel area and is now across the street from Towson Mews PUD.

Ms. Rising explained that while the proposal does not need to be submitted to the East Towson Design Review Panel, staff reviewed the adopted Design Standards for East Towson in addition to the Historic Design Guidelines. She elaborated that the East Towson standards recommend new fences for all front and side yards be opaque and 3 foot high at the maximum. While staff understands the applicant's desire for privacy, staff questioned whether a 6 foot tall stockade fence at such a prominent location was consistent with the Historic Design Guidelines or the East Towson Design Standards used throughout the community.

Ms. Katherine Patti was present and explained the proposal for a 6 foot tall privacy fence provides both privacy and resolves safety issues in a way that a 3 foot tall fence would not. She noted that the yard's busy street location offers no privacy, makes it a prime target for those in search of a short cut and makes it very easy for personal items to wander out of the yard.

Ms. Rising reported noting the pattern book approved for the PUD being built across the street from the Wicks House does include the installation of a 6 foot tall privacy fence along a portion of the site considered to be the rear property line of that development.

Ms. Rising suggested the Commission perhaps consider a Notice to Proceed for installation of a fence taller than 3 feet as it would be a reversible feature and would not result in damages to the house.

Mr. Brennan commented that installation of such a tall and linear fence would result in the community at large losing a sense of space and openness.

Mr. Myer commented that a 3 foot tall fence could present a tripping hazard and suggested a 4 foot tall fence could be a safer option. He also suggested installation of a 6 foot tall privacy across the rear property line would be an option the LPC could consider approving should the property owner choose to do so.

Mr. Boswell suggested setting a fence back further from the curb and sidewalk than what was being proposed as a means to not crowd the corner but yet still provide the privacy and safety aspects the property owner is seeking.

Ms. Horst suggested approving a combination of all options mentioned.

Ms. Benton suggested requiring the taller wood privacy fence options to be a style consistent with the privacy fence styles proposed for installation at the nearby Towson Mews PUD.

Mr. Yaffe moved to vote to issue a Notice to Proceed with the installation of 6 foot tall wood privacy fence across the rear property line, installation of a 5 foot tall wood privacy fence in the side yard to be installed according to the proposed site plan and subject to it being set back 8 feet from the Jefferson Avenue curb and subject to the style of fence being consistent with the privacy fence styles proposed for installation at the nearby Towson Mews PUD and an alternative option for the installation of a 3 foot tall wood picket style fence if installed along the Jefferson Avenue sidewalk and according to the proposed site plan.

Mr. Myer seconded the motion which passed with affirmative votes being cast being cast by Ms. Allen, Mr. Boswell, Ms. Benton, Mr. Brennan, Mr. Diggs, Ms. Horst, Mr. Kellman, Ms. McIver, Mr. Myer, Mr. Thaler and Mr. Yaffe. There were no dissenting votes.

*Citing Baltimore County Code Section 32-7-43 and Baltimore County Historic Design Guidelines: Fences & Landscape, p. 4.*

15. “Mt. Welcome Retreat”, (Schlossnagle property), 3144 Granite Road, Final Landmarks List #244, MIHP #BA-0009; installation of multiple exterior light fixtures and security cameras [County Council District #4]

Mr. Brennan recused himself from the discussion of this item.

Vice Chair Ms. Horst assumed the role as Chair.

Ms. Rising described the proposal and noted staff’s recommendation to vote to issue a Certificate of Appropriateness.

Mr. Diggs moved to vote to issue a Certificate of Appropriateness. Mr. Thaler seconded the motion which passed with affirmative votes being cast by Ms. Allen, Mr. Boswell, Ms. Benton, Mr. Diggs, Ms. Horst, Mr. Kellman, Ms. McIver, Mr. Myer, Mr. Thaler and Mr. Yaffe. Mr. Brennan abstained from the vote. There were no dissenting votes.

*Citing Baltimore County Code Section 32-7-403 and Baltimore County Historic Design Guidelines: Additions & Infill, p. 2 and National Park Service, Technical Preservation Services, Preservation Brief #47 – Maintaining the Exterior of Small and Medium Size Historic Buildings*

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:



Kennedy property, 608 Kingston Road, contributing structure in the Stoneleigh National Register Historic District; in-kind repair/replacement of existing slate roof and existing metal roof, in-kind replacement of existing flashings, rake trim, repair cracked and weather chimney crown, installation of additional downspouts and repair damaged bedroom ceiling and paint entire bedroom [County Council District #5]

Patoka/Watkins property, 709 Cliveden Road, contributing structure in the Sudbrook Park County Historic District and Sudbrook Park National Register Historic District, MIHP #BA-3097; repairs to shower floors in both the master bathroom and 2<sup>nd</sup> floor bedroom #3 and repairs to the ceilings below [County Council District #2]

“Payne-Tolley House”, Yocham property, 16205 Corbett Village Lane, contributing structure in the Corbett Village County Historic District and Corbett Village National Register Historic District, MIHP #BA-2254; in-kind replacement of existing asphalt shingle roof [County Council District #3]

Rowe property, 6306 Mossway Road, contributing structure in the Bellona-Gittings National Register Historic District; installation of high velocity central air conditioning system and required electrical upgrade [County Council District #5]

### **Other Business**

Ms. Rising reported the Spring/Summer 2017 Retreat is scheduled for Thursday, June 28, 2017. The presentations will concern the various agricultural preservation programs in Baltimore County and information about the County’s Agricultural Board.

Mr. Thaler indicated he was discouraged about the events of the evening’s meeting.

After a lengthy discussion regarding regulations, requirements, process and staff’s understanding or lack thereof of the regulations and requirements for situations as covered during the evening’s meeting, Mr. Thaler indicated he, on behalf of the LPC, would draft a letter to be sent to the Maryland Home Improvement Commission requesting general clarification as to when a license is required and when it is not required.

Ms. Rising added she would ask the Maryland Association of Historic District Commissions for advice on how other organizations handle similar situations. She also indicated there are multiple layers to the various issues discussed and would seek clarification from the Office of Permits, Approvals and Inspections.

Mr. Yaffe stated he disagreed with the notion that the LPC was in the business of home improvement and expressed concerns that the LPC was over stepping their purview.

Mr. Myer moved to adjourn the meeting. Ms. McIver seconded the motion which passed with affirmative votes being cast by Ms. Allen, Mr. Boswell, Ms. Benton, Mr. Brennan, Mr. Diggs, Ms. Horst, Mr. Kellman, Ms. McIver, Mr. Myer, Mr. Thaler and Mr. Yaffe. There were no dissenting votes.

The meeting adjourned at 7:40 p.m..

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