

Robert W. Hershey, chair, called the meeting to order at 4:30 p.m., on Thursday, May 10, 2012, in the Fourth Floor Conference Room, City Hall. A roster of the members of the commission and the technical slots they fill are on file and available upon request. Also present were commission members M. Gehr, V. Hrabal, M. Mallery, P. Reed, and K. Sanford. S. Bockmiller, Development Planner/Zoning Administrator was present on behalf of the Planning and Code Administration Division.

APPROVAL OF MINUTES: April 26, 2012

MOTION: (Sanford/Mallery) Move to adopt the minutes of April 26, 2012.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

CONSENT AGENDA

None.

DESIGN REVIEW

1032 Hamilton Boulevard - Douglass and Mary Jo Reed - Fence, Case No. HDC 2012-13

Mary Jo and Douglass Reed, 1032 Hamilton Boulevard, Hagerstown, Maryland, were present.

Staff Report: This building is a B resource in the Oak Hill Local Historic District. The applicants are proposing to erect a solid cedar board fence with flat cap to match the neighbor's fence to the north. On one side, the fence will be between five feet, ten inches tall, and on the other side it will range in height from six feet to six feet, four inches. The fence will be painted or stained. Staff noted that the applicants have filed a variance application for permission to install a fence over the maximum height limitation for fences of six feet. The Board of Zoning Appeals will consider that application on May 16. This building is adjacent to a four-unit apartment building, the condition of which has been marginal. The property owner of the adjacent property created a gravel parking lot covering the entire back yard. The property owner also installed a spite fence and painted it lime green on the north side. The purpose of the Reeds' fence is to mask the adjacent property owner's fence. Staff recommended approval of the design of the proposed fence, contingent upon the applicants receiving a variance for those portions of the fence that will exceed six feet in height.

Applicant/Commission Discussion: Mr. Reed noted that the neighbor's fence to the north is actually pressure-treated and stained, rather than cedar. They would like to amend their application to specify a stained, pressure-treated fence, rather than a cedar fence. Mr. Reed also pointed out that the property to the south is in foreclosure and the Reeds have been unable to contact the authority that currently controls the property. They would prefer not to have a fence against a fence. With the HDC's permission, they will add a board to close the gap between the fences until they resolve the issues with that property and it is sold to another owner. The Reeds can work with the new owner to finish off the fence. The goal is to match the top and the look of the neighbor's fence, including height. Mr. Hershey stated that that would be the HDC's main consideration as well.

MOTION: (Sanford/Hrabal) Mr. Chairman, I have inspected the project plans and the property in question and if constructed in accordance with these plans, I believe the project is compatible with the character of the district for the reason that the stained wood fence has precedent in the neighborhood, is not visible from the street, although there is an alley in the back, and is in conformance in other respects with the guidelines for the Oak Hill Historic District, and is generally in harmony with the character of the Oak Hill Historic District guidelines and the character of the adjoining properties. Therefore, I move that the HDC grant a Certificate of Appropriateness to the applicant for Case No. 2012-13.

DISCUSSION: Mr. Bockmiller noted that the HDC does not view alleys as a public way for visibility purposes. Mr. Sanford and other commission members contended that alleys are public right-of-ways and that the commission has always considered them as public ways. Staff and commission will resolve this difference of opinion at a later date. Mrs. Mallery questioned whether approval must be contingent upon the applicants receiving a variance from the BZA. Mr. Sanford felt that it was not necessary to put that in the motion since if the applicants do not get the variance, the design issue is moot.

ACTION: APPROVED (Unanimous)

1029 The Terrace - Michael G. Radley - Shed, Case No. HDC 2012-14

Michael G. Radley, 1029 The Terrace, Hagerstown, Maryland, was present.

Staff Report: This building is a B resource in the Oak Hill Local Historic District. The applicant has installed a 10 x 12-foot solid wood Quaker-style garden shed in the rear yard. Landscaping is planned around the shed to screen it from the neighbors. Due to the amount of shrubbery around

the house and the depth of the lot, the shed is not visible from The Terrace. An existing metal shed will be removed. Staff recommended approval.

Applicant/Commission Discussion: Mr. Radley stated that the shed is solid wood. There is no alley in the back of the property. The entire lot is bordered by trees. The back yard is, for the most part, invisible to passersby.

MOTION: (Sanford/Gehr) Mr. Chairman, I have inspected the project plans and the property in question and if constructed in accordance with these plans, I believe the project is compatible with the character of the district for the reason that the property on which the shed is to be placed has no alley, and therefore, no view from a public right-of-way. It has no substantial effect upon the primary historic structure and therefore, is generally in harmony with the Architectural Design Guidelines for the Oak Hill Historic District and the character of the adjoining properties. Therefore, I move the HDC issue a Certificate of Appropriateness to the applicant for Case No. 2012-14.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

102 South Prospect Street - Diane De Laet - Shed, Case No. HDC 2012-15

Diane De Laet, 102 South Prospect Street, Hagerstown, Maryland, was present.

Staff Report: This building is a contributing resource in the Prospect Street Local Historic District. The applicant proposes to install a 6 x 8-foot wooden garden shed on the southwest corner of the property. The shed will be painted antique ivory with green shutters to match the trim on the house. The roof will be architectural shingles in slate gray. A garden is planned for that portion of the front yard. The shed will be used to house trash, recycling receptacles, and garden tools. Landscaping will be placed around the front and sides of the shed as indicated on the schematic attached to the application (in meeting file). The applicant is concerned about the appropriate concealment of trash receptacles due to the steep grade of the rear yard. Staff noted that a variance will be required from the Board of Zoning Appeals to install a garden shed within 25 feet of the front street right-of-way. The HDC was advised to analyze the impact of approving an accessory structure in the front yard since it appears to conflict with the design guidelines. The benches shown on the schematic, once selected, would have to be reviewed by the Historic District Commission. However, the planter boxes may be considered routine landscaping or may require HDC review, depending on their extent.

Staff explained that with the recent changes in the City's recycling and trash collection programs, the City has created an issue on South Prospect Street associated with the recycling bins. Mr. Bockmiller said he has been contacted by a number of other property owners on South Prospect Street, also looking for similar remedies to these collection issues. In these other cases, Mr. Bockmiller has recommended that the property owners get approval for a fenced-in area near the retaining wall areas, but between the houses and not in front of the house.

Applicant/Commission Discussion: Ms. De Laet stated that her retaining wall is closer to the street than her neighbors' retaining walls. Her back yard is only accessible via a long set of stairs so she has limited opportunities as to where a shed can be placed. She felt her proposal is the best solution to the problem. The existing fence on the retaining wall is about 29 feet from the property line. Allowing four inches for the cement retaining wall, the distance from the west end of the shed to the street would be about 20 feet. Mr. Bockmiller noted that the actual property line is at the end of the street right-of-way so the actual distance from the property line would probably be about 12 feet. Ms. De Laet contended that the proposed shed would be set back further than her house. With reference to staff's suggestion to other property owners to conceal their trash containers behind a wooden fence, she felt that the shed would look better than a wooden fence in front of their existing wrought iron fence.

Mr. Sanford said his main issue is the historic viewshed down South Prospect Street. He did not think it would be appropriate to add another appurtenance in what amounts to a front yard. Ms. Hrabal countered that this is 2012 and people are encouraged to recycle and did not know what property owners' recourse could be. Mr. Hershey said he sympathized with the De Laets' plight but the proposal goes against the design guidelines. Historically sheds were located in the rear of properties. Commission members suggested creating a tight hedge and tucking the trash and recycling receptacles behind the shrubs or hedge. Dr. Reed suggested creating a brick wall or a three-sided enclosure that matches the bricks on the house. Ms. De Laet said they considered the brick enclosure but have concerns about people throwing loose trash in the enclosure and then having the trash blow around the neighborhood. Ms. Mallery and Mr. Hershey noted a shed in this location would set precedent since many other residents are concerned about storage of the receptacles. The commission would certainly be asked to approve many other small sheds in the front yards along South Prospect Street. Commission members liked the idea of a dense hedge, although Ms. De Laet stated that her yard contains mature trees so anything that is planted for a hedge will not receive a lot of sunlight and will not survive. Mr. Gehr suggested building a shed on an elevated platform behind the wrought iron fence. Ms. De Laet decided to withdraw her application so she can research other options.

WORKSHOP:

None.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

ANNOUNCEMENTS

- Mr. Bockmiller reminded the commission about the upcoming Civil War First Call Weekend on June 16 and 17 at City Park. In addition, the opening of the Civil War exhibit at the Washington County Museum of Fine Arts is that weekend. This exhibit will run for 13 months.
- Mr. Gehr recommended that the commission discuss how it wants to handle the issue of concealing trash cans and recycling bins in historic districts. The commission needs to be in front of the curve and have suggestions ready for residents who want solutions to the problem of hiding their containers. Mr. Gehr suggested that the City contact the trash collection company to see if trash can be collected from the alley—at least on South Prospect Street. The commission directed staff to write a letter to the City Engineer to the effect that the recycling containers are becoming a problem in historic districts and ask if there is any remedy that can be explored for this, such as alley collection.

ADJOURN: It was moved and seconded that the meeting adjourn (5:10 p.m.).

5/24/2012
Date

Debra C. Calhoun
Debra C. Calhoun - Secretary