

Karl R. Sanford, vice chair, called the meeting to order at 4:37 p.m., on Thursday, June 14, 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, and P. Reed. S. Bockmiller, Development Planner/Zoning Administrator and D. Calhoun, Secretary, were present on behalf of the Planning and Code Administration Division.

APPROVAL OF MINUTES: May 24, 2012

MOTION: (Hrabal/Gehr) Mr. Chairman, I move the minutes be accepted as presented for May 24, 2012.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

CONSENT AGENDA

**154-156 South Potomac Street - Green Essence, LLC - Replace Window,
Case No. HDC 2012-21**

**329 North Potomac Street - Leslie Allen - Replace Deteriorated Fascia,
Case No. HDC 2012-23**

112 South Prospect Street - Trace Hanes - Trash Can Enclosure, Case No. HDC 2012-24

**27 South Potomac Street - The Maryland Theatre Association - Signage,
Case No. HDC 2012-25**

Mr. Bockmiller noted that the applicant in Case No. HDC 2012-21 has agreed to change the color of the window to beige to help it blend better per the staff recommendation. Also, concerning Case No. HDC 2012-24, Mr. Bockmiller noted that the proposed trash enclosure will be located between two adjacent apartment buildings, close to the front facades of the building. Staff worked with the applicant on the design of the enclosure.

MOTION: (Gehr/Mallery) Mr. Chairman, I have reviewed the materials submitted in Cases 2012-21, 23, 24, and 25, and their associated staff reports and recommendations, and I have viewed the properties in question. The staff reports recommend approval of these applications as consistent with the applicable standards adopted by this commission, and no one has appeared

at this hearing with concerns about, issues with, or objections to these applications. Therefore, I move that this commission adopt the staff evaluations and recommendations in these cases as its own and grant Certificates of Appropriateness to the applicants for Cases 2012-21, 23, 24, and 25, and a grant application for Case No. HDC 2012-25.

DISCUSSION:

None.

ACTION:

APPROVED (Unanimous)

DESIGN REVIEW

**44 North Potomac Street - Jeff Czerbinski/Washington County Playhouse, Signage,
Case No. HDC 2012-17**

The applicant was not present.

One North Potomac Street - Jocelyn's Closet, Signage, Case No. HDC 2012-18

Rose Jocelyn, representing Jocelyn's Closet, 1042 Brill Way, Hagerstown, Maryland, was present.

Staff Report: This is a B resource in the Downtown Local Historic District. The applicant would like approval to install individual letters to identify her new business at One Public Square. The yellow plastic letters will be 12 inches tall and will be installed in the purple areas above the storefronts on Public Square and North Potomac Street. No lighting is proposed at this time.

Staff had no recommendation. Comments were received from Tracy Carr, the commission's sign consultant, which Mr. Bockmiller read into the record (see copy in meeting file). Ms. Carr stated that a matte finish on the plastic letters is preferable. She also recommended that the letters be installed on a board prior to mounting on the building to minimize damage to the facade.

Applicant: Mr. Sanford asked Ms. Jocelyn if she would be amenable to amending her application to specify the use of matte-finish plastic lettering mounted on MDO board cut to the size of the inset of the signage area. Ms. Jocelyn did not have a problem with making the revisions, as long her sign company can facilitate the changes requested by the commission.

MOTION:

(Gehr/Pembroke) Mr. Chairman, I have inspected the project plans and the property in question and if constructed in accordance with these plans, the project is compatible with the character of the district for the sign with the provision that the individual letters are mounted to an MDO board that would fit within the sign location as indicated on the building and that the

letters be of a matte finish and the yellow color or whatever other color the clients desires and if constructed that way are generally in harmony with the Architectural Design Guidelines for the Downtown Historic District and the character of the adjoining properties. Therefore, I move that the HDC grant a Certificate of Appropriateness to the applicant for Case No. 2012-18.

DISCUSSION:

None.

ACTION:

APPROVED (Unanimous)

**102 South Prospect Street - Diane De Laet - Garden Shed (Rear Yard),
Case No. HDC 2012-22**

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 would like to construct an 8 x 16-foot garden shed in the rear yard along an eight-foot tall brick wall on the east (rear) property line. The shed will have antique ivory vinyl siding with green trim, and gray architectural shingles.

Staff noted that visibility will be minimal from West Antietam Street and South Prospect Street (from the Dry Bridge vantage point). Although the use of vinyl is not consistent with the Design Guidelines which specify using materials compatible with the house, it is unreasonable to expect the applicant to construct the shed of brick to match the house. Staff also noted that given that the shed will be surrounded by a large brick wall, it will be only marginally visible from about 200 feet away on or north of the Dry Bridge. Staff recommended approval of the application.

Applicant/Commission Discussion: Ms. De Laet had nothing to add to the staff presentation.

MOTION:

(Pembroke/Gehr) Mr. Chairman, I have inspected the project plans and the property in question and if constructed in accordance with these plans, the project is compatible with the character of the district for the reasons that the size, the height, and even the use of vinyl in this particular case due to the fact that the visibility is extremely limited and from a great distance away will be surrounded by a high brick wall and if the project completed as outlined in the application, it is generally in harmony with the South Prospect Historic Design District and the character of the adjoining properties. Therefore, I move the HDC grant a Certificate of Appropriateness to the applicant in Case No. HDC 2012-22.

DISCUSSION:

None.

ACTION:

APPROVED (Unanimous)

**10 Public Square - High Rock Studios - Replace Awnings/Add Planter Boxes,
Case No. HDC 2012-26**

Ann Murray Brigido, representing High Rock Studios, 14 Public Square, Hagerstown, Maryland, was present.

Staff Report: This building is an E resource in the Downtown Local Historic District. The proposal is to recover three of the existing awnings on the first floor storefront windows with Sunbrella awnings. There will be an approximate four-inch skirt on the bottom of the awnings, and there should be no issues with these awnings meeting the minimum eight-foot sidewalk clearance requirements. No lettering is proposed for the awnings. In addition, four flower boxes with permanent stylized metal flowers are proposed for underneath the second floor windows. Flower boxes are pressure-treated wood and will be painted to match the building trim. The applicant is seeking a facade grant for these improvements.

Staff recommended approval of the application and grant request since this is a relatively new building and a noncontributing resource.

Applicant/Commission Discussion: Ms. Brigido stated that there are seven flower boxes, not four. Dr. Reed stated that because this building is a noncontributing resource, the new flower boxes with stylized flowers should not be a problem. The German restaurant on South Potomac Street has traditional flower boxes so flower boxes have precedent. Dr. Reed noted that she would consider the stylized flowers the same as the balloons and butterflies that have been placed downtown. They are not permanent. Mr. Bockmiller added that the flower boxes will be located 15 feet off the sidewalk. Mr. Gehr also observed that the windows in which the flower boxes will be placed are fixed and do not open, so real flowers would not be able to be cared for.

MOTION: (Pembroke/Mallery) Mr. Chairman, I have inspected the project plans and the property in question and if constructed in accordance with these plans, the project is compatible with the character of the district for the reasons that the building is an E resource noncontributing, that the awnings without lettering would be at least the required eight feet off of the main street; that the style of the awnings seems to be appropriate; that the flower boxes also seem to be appropriate, and as would in this particular case because it is a modern building and an E resource the proposed stylized metal flowers. Also there is a facade grant which we would also recommend approval for the awnings and for the flower boxes; and the project is generally in harmony with the Downtown Historic District and the character of the adjoining properties. Therefore, I move the HDC grant a Certificate of Appropriateness to the applicant in Case No. HDC 2012-26.

**Historic District Commission
MINUTES**

**June 14, 2012
City of Hagerstown, Maryland**

DISCUSSION: None.
ACTION: APPROVED (Unanimous)

After hearing the remaining design review cases, the applicant for Case No. HDC 2012-17 still had not arrived to present his case. The commission agreed to consider the case without the applicant present.

44 North Potomac Street - Jeff Czerbinski/Washington County Playhouse, Signage, Case No. HDC 2012-17

Staff Report: This is a B resource in the Downtown Local Historic District. The applicant is proposing to install a black and white aluminum sign on the south side of the building, facing the CVB building at 14 North Potomac Street. The sign will measure 96 inches long by 48 inches tall. No lighting is proposed for the sign.

Staff recommended approval, however comments were received from Tracy Carr, the commission's sign consultant. Ms. Carr had concerns about the thickness of the aluminum and recommended the use of either .08 or .063 aluminum or a DiBond or Alumalite material. Mr. Gehr also noted that the thinner metal sign could be applied to a piece of board before being mounted to the building. Since the applicant was not present, Mr. Sanford stated that the commission could stipulate the thickness of the sign material. If the applicant is not agreeable to that, then they would have to come back for the commission to review.

MOTION: (Gehr/Hrabal) Mr. Chairman, I have inspected the project plans and the property in question and if constructed in accordance with these plans, the project is compatible with the character of the district for the reasons that the sign of proper design is a 4 x 8 -foot sheet of aluminum, but it is not detailed in that application what that thickness of the sign is and we would require that the sign be of an appropriate thickness, being either .08 or .063 Alumalite or a DiBond or if it is a thinner material that it would be adhered to a plywood or some other type of thick sheeting that could be attached to the building in a proper manner and if done so, the sign is generally in harmony with the Architectural Design Guidelines for the Downtown Historic District and the character of the adjoining properties. Therefore, I move that the HDC grant a Certificate of Appropriateness to the applicant for Case No. 2012-17.

DISCUSSION: None.
ACTION: APPROVED (Unanimous)

WORKSHOP:

102 South Prospect Street - Diane De Laet - Front Yard Shed

Mr. Bockmiller stated that Ms. De Laet recently withdrew an application she submitted for a 6 x 8-foot garden shed in the front yard. Ms. De Laet was present to discuss further her proposal for a garden shed along South Prospect Street. A shed in this location would require a variance from the Board of Zoning Appeals.

Ms. De Laet told the commission that she looked into alternatives but believes the enclosed structure is the best solution for this property. An enclosed structure would contain the trash; the wind cannot blow it around; it would contain odors. She found a substitute for the initial shed design which is smaller. The second proposal is a 6 x 3-foot shed that is a little over six feet in height. The shed would be placed in the same location as the first proposal (southeast corner of the front yard) and could be screened by one evergreen rather than nine that would be required for the larger shed. She plans to continue the landscaping all around the front of the lot.

The commission recessed briefly to give the HDC a chance to read Ms. De Laet's letter (meeting file). The commission went back on the record at 5:22 p.m.

Ms. De Laet continued that a landscaping alternative would deplete the nutrients for the other trees; also that amount of landscaping would provide an area for people to hide.

Mr. Sanford stated that his concerns about the placement of any garden shed in that location has more to do with the historic rhythm of the streetscape. To build other appurtenances in the front yard would change the historic rhythm. Ms. De Laet said the shed will be set back further than the existing covered porch. It is not going to project significantly and is not something that would obscure the view from either direction. She stated that she found drug paraphernalia in her yard recently and does not want to create another place for people to do illegal acts. They propose to plant an evergreen that would grow sufficiently tall and wide to hide the shed. The shed cannot be placed closer to the house because then she cannot see what is going on in the front of her property. Mrs. Mallery asked if Ms. De Laet had talked to her neighbors about their plans to put a shed in the front yard. Ms. De Laet said she has spoken to her neighbors. Mr. Hanes did not have objections. Mr. Bockmiller pointed out that there is a four-foot side setback requirement and Ms. De Laet did not have concerns with that.

Mr. Pembroke noted that the backyard is at a significantly lower level than the front of the house. The first level is at least 10 feet below street level, and the second level is much lower than that. Ms. De Laet told the commission that trash pick up in the alley is not an option.

Dr. Reed said having a utility structure in the front yard along the street is the big problem. She understood Ms. De Laet's argument that there would be no negative impact on the primary

structure; however, the shed as she is proposing it would not obscure her building or the house next door. Mr. Bockmiller noted that even though the shed is not intended to be precedent setting, others could use the same logic to argue for a shed in their own front yards. If the commission would be inclined to approve an application for this front yard shed, the HDC would need to create a strict reason why it is only appropriate for this property. The commission would need to find something that is truly unique about 102 South Prospect Street to avoid opening the door to other property owners. Ms. De Laet said her front door is their only access to South Prospect Street. Mr. Pembroke believes it is unrealistic to expect someone to haul their trash up a 30-foot differential. Ms. De Laet said they are rehabilitating and will have large amounts of trash for a few years.

Ms. Hrabal proposed that the commission allow Ms. De Laet to install the shed because this property does not have a side yard or a backyard. Mrs. Mallery observed that the retaining wall, the fence, and the Dry Bridge steps contribute to the uniqueness of the property. Dr. Reed asked Ms. De Laet if she would be willing to stain the shed a dark color if the commission decided to approve the shed. Ms. De Laet stated that she would be willing to stain the shed a dark color to help it recede. Mrs. Mallery stated that she would be comfortable approving this shed since this property has a very narrow front yard with a very steep drop off toward the backyard. Dr. Reed noted that the structure proposed at this meeting is better than the first because it is smaller. Mr. Bockmiller reiterated that if the HDC is inclined to approve the building, the commission must narrowly define the uniqueness of this property versus other properties.

Ms. De Laet added that the shed will not have a foundation. Instead it will be set on a gravel bed. Cast stone flower pots and landscaping will hide the base of the shed.

The commission decided that a visit to the site would be advantageous. Ms. De Laet agreed to mark off the area for the proposed shed. Ms. De Laet was advised to submit another design review application for the smaller shed.

NEW BUSINESS:

- Regarding the blue trash containers, a question was raised about why trash cannot be collected in the alleys. It was determined that trash trucks are too large to maneuver in the alleys.

OLD BUSINESS:

Land Management Code Revisions to Article 4, Section T, Historic District Commission

The commission reviewed the section of the Zoning Ordinance that deals with the Historic District Commission (meeting file). Notable changes include new language for Demolition by Neglect which was written by the City Attorney. Also, language concerning Human Burial Grounds was added. This verbiage was modeled on an ordinance in Howard County and is geared toward human burial sites located on land that is proposed for development. The HDC would act as an advisory review board in these cases. There are state laws that deal with the exhumation of bodies; this language would not override state law.

Concerning the demolition by neglect language on pages 4-127 and 4-128, Mr. Sanford wanted deterioration of character-defining features as one of the conditions of demolition by neglect. Examples of character-defining features would be barge board, brackets, trim, etc. The commission concurred that a phrase dealing with a "building and its components" should be added to (6) on page 4-128.

ANNOUNCEMENTS

- Mrs. Mallery announced that this will be her last meeting with the HDC. As a result, she will no longer be attending the Greater Hagerstown Committee meetings, so there will be no link between the HDC and the Urban Renewal Forum. She suggested that another member carry on in her place.

ADJOURN: It was moved and seconded that the meeting adjourn (6:13 p.m.).

8/23/2012
Date

DC Calhoun
Debra C. Calhoun - Secretary