

HISTORIC PRESERVATION COMMISSION

HEARING MINUTES

MAY 12, 2011

Commissioners

Scott Winnette, Chairman

Robert Jones, Vice Chairman

Timothy Wesolek

Gary Baker (not present)

Shawn Burns (not present)

Kate McConnell

Brian Dylus, Alternate (not present)

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Aldermanic Representative

Michael O'Connor

Staff

Lisa Mroszczyk, Historic Preservation Planner

Scott Waxter, Assistant City Attorney

Nick Colonna, Division Manager of Comprehensive Planning

Shannon Albaugh, HPC Administrative Assistant

•I. Call to Order

Mr. Winnette called the meeting to order at 6:00 P.M. He stated that the technical qualifications of the Commission and the staff are on file with the City of Frederick and are made a part of each and every case before the Commission. He also noted that the Frederick City Historic Preservation Commission uses the Guidelines adopted by the Mayor and Board of Aldermen and the Secretary of the Interior's Standards for Rehabilitation published by the U. S. Department of the Interior, National Park Service, and these Guidelines are made a part of each and every case.

All cases were duly advertised in the Frederick News Post in accordance with Section 301 of the Land Management Code.

Announcements

Ms. Mroszczyk announced that a wood window restoration workshop will be held on Saturday May 14, 2011 at Utica District Park. She added that there were a few more spots available for anyone from the public that may be interested. There will be four HPC members in attendance.

Ms. Mroszczyk announced that the state wide Preservation and Revitalization Conference will be held in Annapolis on May 19, 2011 and May 20, 2011 and Commissioners Winnette and McConnell will be in attendance.

II. Approval of Minutes

1. April 28, 2011 Hearing/Workshop Minutes

Motion: Timothy Wesolek moved to approve the April 28, 2011 hearing and workshop minutes as written.

Second: Robert Jones

Vote: 4 - 0

- **II. HPC Business**

2. Administrative Approval Report

IV. Consent Items

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a. Cases to be Approved

b. Cases to be Continued

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•V. Cases to be Heard

3. HPC11-110

500-600 N. Bentz Street

Teresa Justice

Install solar panels, egress windows and dormers
agent

Tim Daniel,

Lisa Mroszczyk

Ms. Mroszczyk entered the entire staff report into the record and stated that the applicant is seeking post-construction approval for the installation of modern aluminum storefront system and all new reeded transoms in a 1930s era storefront.

Applicant Presentation

Jody Rood, Management for 433 N. Market Street, stated that when this project was approved she was dealing with Dave Kline of Kline Windows and Doors in Boonsboro and he was the one that submitted the proposal that got approved. She stated that she went all year trying to get Mr. Kline to schedule the work to get the project completed. The day he scheduled it was September 11th and that was "In The Streets" so she had to tell him it could not be scheduled for that day and the following Monday she contacted Mr. Kline and left a message on his voicemail and he replied to the message with "Sorry get someone else to do it because I'm too far behind." She said that after that they got to the point that the window was getting ready to fall out so she contacted Frederick Glass to come out to see what they could do. Frederick Glass scheduled an emergency job on a Saturday morning and while trying to take the metal out and replace it with safety glass they realized the metal was not reusable. When they realized the metal framing was not reusable Wayne who works for Frederick Glass instructed the guys to replace it with plate sash which is very similar to the material that was removed. She went on to say that she did not realize she was supposed to go for a permit and even back in September when Dave Kline said he was going to do the work she did not know she had to go for a permit. She felt that there was a safety issue with this whole situation whether it was the clientele of the salon or the people on the sidewalk the owner would be liable for all that. Ms. Rood thought that at that point she had to do what she had to do with this repair.

Commission Questioning/Discussion

Mr. Jones asked where the miscommunication between the contractor and the applicant was as far as not getting the permit for the work. Ms. Rood stated that she had told him that the project was approved and with that maybe he did not know the HPC regulations with that but she showed him the approval letter and he said that was fine. Mr. Jones stated that she was approved for a historic storefront in-kind and not for what was actually executed. Ms. Rood stated that Frederick Glass thought they were going to be able to go in and put safety glass in and secure the whole system so it would not move and as they took off the metal they realized the metal could not be reused. So now they have a public salon with the storefront wide open and what were they supposed to do, put plywood up? Mr. Winnette stated that there were other alternatives instead of what was done. He added that the storefront could have been boarded up and a call to the Planning Department would have been an option.

Alderman O'Connor asked the applicant if she would be willing to find an equivalent material to replace what has been done. Ms. Rood answered that has been the hold up because they can not find anything like the original framing. She added that she was told by Frederick Glass that the original material was a Vistawall lug sash. Vistawall made the necessary changes to make material more durable and it is now called plate sash this is the replacement for the lug sash. There are no other alternative materials available that would be comparable to the size and profile of this metal. Alderman O'Connor asked how they would know that the metal could not be reused. Ms. Mroszczyk answered that no one was thinking that the metal that was removed needs to go back but it is what other alternative is appropriate or not.

Mr. Jones asked if there were any other manufacturers or resources available for the replacement in-kind. Ms. Mroszczyk answered that it would not be a stock item so it would have to be custom. She stated the Commission typically requires that of other elements in the Historic District such as a piece of a metal cornice.

Ms. McConnell asked if the applicant could explain what happened in regard to the entire transom window being replace as opposed to only the one that was broken. Ms. Rood answered that if you were on the inside standing on a ladder looking into the corners, the corners were chipped and the shop owner placed cotton balls with duck tape over them to prevent more damage. Mr. Winnette stated that the Commission had an approval letter in front of them which very clearly states "the broken opaque glass panel at the transom is to be replaced with new opaque glass to match existing as closely as possible" and in all the workshops and in all of the hearings it was never brought to the Commissions attention that the others were damaged as well so what happens in that case is you do not replace or you come back to the Commission saying that the others are damaged as well. Ms. Rood thought that if she was replacing a piece of glass on one side she would want something matching on the other side. Ms. McConnell stated that the approval was to match the glass that was existing so if that was something that was not possible the other option would be to come back and try to find something that would match and that the HPC would approve.

Mr. Winnette stated that if this would have been the first time this application came before them he would still be inclined to deny the framing that is there because they are in a Historic District and many of the homeowners and business owners have to go to extreme lengths to replicate or replace what is there. The task of the Commission is the preservation of the historic structures of this building so sometimes that steps out of what others might consider practical. Ms. McConnell agreed with Mr. Winnette and added that part of what makes a thriving downtown are the character defining features of a historic district and storefronts are very important features. There was a process that could have been followed in terms of trying to find another alternative if what was approved was not working.

Mr. Wesolek stated that the Commission needed to do whatever they could do to keep thriving businesses downtown. He thought that the applicant went through excessive means to try to match what was there and the company with the help of staff could not find what she needed and they should go with what the expert in that field has said.

Mr. Jones stated that he has had a business in the downtown corridor for almost 15 years and the reason he is there is because he likes the historic nature of downtown. He would not want to see the historic integrity compromised because his clientele comes to see that. He thought the historical merit of downtown is what stimulates the historic district.

Mr. Waxter stated that if there were to be a denial it would create a situation where the applicant would not be in compliance since there would be no approvals and an alternative may be to approve a modification to this application. The Commission could give approval with the modification to have whatever they would like put on the storefront, possibly the replacement of it in-kind, and the applicant could then walk away with an approval of some kind.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends that the Commission deny the installation of the modern aluminum storefront framing system and the reeded transom glass because it does not replicate the historic material in terms of profile, dimensions, or overall appearance and thus is inconsistent with the *Guidelines*.

Motion: Scott Winnette moved to approve the application with the following conditions:

- **The metal elements be an in-kind element found or created to match what was removed which was the historic metal elements because the Guidelines state decorative historic metal such as metal used for cornices, trim and storefronts shall be repaired and preserved if the Commission determines that entire or partial replacement is required the new material shall be the same as the existing. The Guidelines also state that the removal of character defining metal elements will not be approved unless the Commission determines there is irreparable damage or**

unsafe conditions. The replacement of metal features is appropriate only if the original fabric is damaged beyond repair.

- **The historic transom glass be replaced in-kind or as close to in-kind as possible because the Guidelines state historic glass must be retained unless it is cracked or broken. If it is cracked or broken the replacement glass must be essentially the same in clarity or thickness although modern safety glass may be used. The Guidelines say that filling the transoms or changing the nature of the glass in the transoms will not be approved.**
- **Also the material for the transom glass as well as the storefront framing be submitted for staff approval**

Second: Robert Jones

Vote: 3 - 1, Timothy Wesolek opposed

6. HPC11-242

228 N. Market Street

CNEX, LLC

**Install covered outdoor grill
agent**

Hilda Staples,

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the construction of an outdoor covered cooking area by extending the roof of an existing non-historic shed on the south side of the building by approximately 13 feet into the yard. The width of the covered grill area will maintain the width of the shed. The applicant proposes to attach the new roof structure to the existing shed only and only flashing it to the brick wall. Materials include the following:

- Standing seam metal roof;
- Painted wood beams, posts and trim;
- 42" tall brick base throughout;
- Commercial-grade stainless steel cooking equipment;
- Replacement of the T1-11 siding with new vertical board wood siding;
- New wood door on the existing shed

This application also includes expansion of the existing patio by adding 3 ½ rows of concrete pavers, approximately 770 square feet of additional paving, and the extension of an existing brick walkway.

NOTES: The applicant has withdrawn from this application the proposed trellises noted on the plans and renderings. The scale on the drawing A3 is ¼" = 1'-0.

Applicant Presentation

Hilda Staples, the applicant, stated that they had no objections to the staff recommendations so the plans that were given to the Commission included every suggestion in the staff recommendation.

Commission Questioning/Discussion

Ms. Mroszczyk pointed out that in the revised plans the MDF door would be a concern for staff. Ms. Staples stated that they would use any door the Commission and staff would want.

Mr. Winnette stated that he would be willing to allow the applicant to complete the platform around the grill. Ms. Staples stated that they would need as much brick as possible around the cooking area to get through the County Health Department.

Mr. Jones asked if the expansion and the roof slope would give them the 7 feet that they need at the end. Bryan Voltaggio answered that they were keeping the roof slope the same. He added that in the staff recommendation an extra 8 inches was given as a grace area to rise up.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends approval of the application according to drawings A-1, A-2 and A-3 as submitted at the hearing with the following conditions:

- The new roof structure not be mechanically fastened to the existing brick wall;
- The slope of the existing shed roof is maintained and not raised any higher than 8" to accommodate the new roof structure;
- The existing footprint of the shed is not enlarged;
- The new walk match the existing brick walk in terms of pattern, color, texture and dimension of brick as closely as possible;
- The new wood door for the existing shed be wood and the cut sheet for that door be submitted for staff approval prior to applying for a permit;
- Product and finish information for the standing seam metal roof with seams less than 1" be submitted for staff approval;
- All visible wood must not be pressure-treated; and
- The final brick selection for the base wall is submitted for staff approval.

Motion: Kate McConnell moved to approve the application according to drawings A-1, A-2 and A-3 as submitted at the hearing with the following conditions:

- - - The new roof structure not be mechanically fastened to the existing brick wall;
 - The slope of the existing shed roof is maintained and not raised any higher than 8" to accommodate the new roof structure;
 - The existing footprint of the shed is not enlarged;
 - Additional paving be limited to three additional rows of concrete pavers with a brushed or dimpled finish to match the existing pavers;
 - The new walk match the existing brick walk in terms of pattern, color, texture and dimension of brick as closely as possible;
 - The new wood door for the existing shed be wood and the cut sheet for that door be submitted for staff approval prior to applying for a permit;
 - Product and finish information for the standing seams metal roof with seam less than 1" be submitted for staff approval;
 - All visible wood must not be pressure-treated; and
 - The final brick selection for the base wall is submitted for staff approval.

Second: Timothy Wesolek

Vote: 4 - 0

The meeting was adjourned at approximately 7:15 PM.

Respectfully Submitted,

Shannon Albaugh, Administrative Assistant