

**HISTORIC PRESERVATION COMMISSION
HEARING MINUTES
MAY 23, 2013**

Commissioners

Scott Winnette, Chairman
Robert Jones, Vice Chairman
Stephen Parnes
Tim Wesolek
Michael Simons
Brian Dylus

Aldermanic Representative

Michael O'Connor

Staff

Lisa Mroszczyk Murphy, Historic Preservation Planner
Christina Martinkosky, Historic Preservation Planner (not present)
Scott Waxter, Assistant City Attorney
Matt Davis, Manager of Comprehensive Planning
Shannon Pyles, 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. Murphy announced that the Commission will be hosting a Historic Preservation Open House next Thursday (May 30, 2013) at the Municipal Office Annex from 6:00 pm until 8:00 pm and anybody is welcome to come. She added that they will have some light refreshments and there will also be a lot of information about historic preservation in the City and other programs that are out there that may be of interest to you.

II. Approval of Minutes

1. May 9, 2013 Hearing Minutes

Vote: 5 - 0

III. HPC Business

2. Request for Demolition Review – Bowersox Annexation

Discussion

Ms. Murphy stated that this request for demolition review came before the Commission through a sketch plan for a property. She added that the structures were determined to be 50 years old or older and once that was determined the ordinance says that the Commission has 15 days to hold a public hearing to determine whether or not they will make an application for the designation of these structures, which is the step they are at now. She went on to say that the four structures proposed for demolition are outbuildings and they are well documented in the application materials. She stated that staff concurs with the research that was presented in the application that the structures lack integrity and additionally the outbuildings standing alone would not meet the criteria for designation so staff would not recommend any further research into these properties and would recommend that the Commission not pursue designation of these four outbuildings.

Motion: Scott Winnette moved to decline to move forward on any designation application.

Second: Timothy Wesolek

Vote: 5 - 0

3. Review and Approval of a Letter Regarding Enforcement for Neon Signs

Discussion

Historic Preservation Commission
Municipal Office Annex
140 West Patrick Street
Frederick, MD 21701
May 23, 2013

Code Enforcement
Municipal Office Annex
140 West Patrick Street
Frederick, MD 21701

To Whom It May Concern:

At two recent hearings of the HPC, on March 28 and May 9, 2013, respectively, the Commission was presented two cases concerning neon signs in Market Street businesses, each of which had received a Notice of Violation from your department. (Please refer to cases HPC13-138 at 401 N. Market Street and HPC13-246 at 89 S. Market Street.) Following the Frederick Town Historic District Guidelines, which are very clear and precise on the topic of neon and similar illuminated signage, the Commission denied both cases.

There is no doubt that neon and similar signage in business windows is not permitted according to the Guidelines. At the same time, however, it is evident that these types of signs are in nearly countless businesses along Market Street, as well as other streets within the Historic District. Given that only two

cases have come before the HPC in recent months, yet these signs are prevalent and unmistakable throughout the Historic District, the Commission finds itself in a most uncomfortable and awkward position in these cases, as it tries to reconcile the fact that these signs do not comply with the Guidelines and yet Code Enforcement is apparently not citing the vast majority of businesses that are in violation of the Guidelines. This seemingly inconsistent and arbitrary enforcement is confounding to both business owners who are cited and the members of the HPC, who have no option but to affirm these violations.

In light of this concern, the HPC has one request of and one recommendation for the Department of Code Enforcement. First, the HPC requests an explanation as to why only a handful, at most, of businesses that are openly and visibly violating this City code are receiving Notices of Violation. Second, the HPC recommends that your department distribute such Notices or a letter addressing this matter to all businesses that are not in compliance, perhaps offering a “sunset date” by which these businesses need to come into compliance in order to avoid receiving formal Notices of Violation, subjecting them to the same consequences as the two businesses whose cases recently came before the HPC. By proceeding with this recommendation, the apparently arbitrary and inconsistent nature of code enforcement will be reduced, thereby making those cited feel like they are not being unfairly targeted, as well as mitigating the discomfort that these cases bring to the HPC.

On behalf of the members of the Historic Preservation Commission, I look forward to receiving a response regarding this issue and certainly welcome a representative from the Department of Code Enforcement to address the Commission directly.

Sincerely,

Stephen R. Parnes, Commissioner
Historic Preservation Commission

Mr. Winnette read the letter into the record and asked if any Commissioners had amendments to the letter.

Mr. Winnette asked if they could make the amendment to add Mr. Dan Hoffman as the Code Enforcement Director instead of “To Whom It May Concern” and to copy this to both the Mayor and Joe Adkins. The Commission agreed to make the amendment.

Mr. Wesolek asked if they could make the amendment to change the sentence “we welcome a representative from Code Enforcement to address this Commission on this issue” to we request a representative from Code Enforcement to address this Commission on this issue so they can get a better understanding on their thinking from the person who is actually giving the code violations. The Commission agreed to that amendment.

Mr. Winnette asked to make the amendment to add his name under Mr. Stephen Parnes to be clear that the letter is coming from the whole Commission. The Commission agreed to that amendment.

Vote: 5 - 0

IV. Consent Items

a. Cases to be Approved

b. Cases to be Continued

V. Cases to be Heard

3. HPC13-281 **305 S. Market Street** **Matthew Rockwell**
Replace rear porches
Lisa Mroszczyk Murphy

Ms. Murphy entered the entire staff report into the record.

Motion: **Scott Winnette moved to approve the application in accordance with the scope of work and annotated photograph with attachments and this application is to restore the rear porches with the following conditions:**

- **The first floor porch ceiling be finished with either a solid beaded wood ceiling or beaded wood slats;**
- **The second floor porch ceiling shall be retained and preserved;**
- **The dimensions of the porch and stair shall match the existing and posts shall align floor to floor;**
- **All visible wood must not be pressure-treated and shall be painted or stained; and**
- **Any damaged or missing siding at the side of the porch shall be replaced in-kind.**

The restoration or replacement of the other set of stairs down the yard with the condition of a staff visit and staff approval. If staff has concerns this matter will be revisited by the Commission and also with a drawing of the existing stairs and scope of work regarding their replacement.

Second: **Stephen Parnes**

Vote: **6 - 0**

The meeting was adjourned at approximately 6:30 PM.

Respectfully Submitted,

Shannon Pyles,
Administrative Assistant