

**Historic District Commission  
MINUTES**

**April 13, 2017  
City of Hagerstown, Maryland**

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Michael Gehr, chair, called the meeting to order at 4:30 p.m. on Thursday, April 13, 2017, in the Council Chamber, Second Floor, City Hall. A roster of the members of the commission and the technical posts they fill are on file and available upon request. Also present were commission members L. Allen, C. Davis, S. Kreiger, P. Reed, and S. Silas. S. Bockmiller, Development Planner and Zoning Administrator; and D. Calhoun, Secretary, were present on behalf of the Planning and Code Administration Department.

**APPROVAL OF MINUTES:**

March 23, 2017:

**MOTION:** (Davis/Silas) So moved.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

Staff noted that the applicant in Case HDC 2017-16 has clarified that they plan to use half-round gutters and round downspouts; based on the application submitted staff understood that the gutters and downspouts were going to be modern. With the clarification, staff suggested that the commission may want to consider moving this case to the Consent Agenda. The commission took the following action:

**814 Potomac Avenue – Kenneth Hubbard – Roof Replacement and New Gutters,  
Case No. HDC 2017-16.**

**MOTION:** (Davis/Kreiger) So moved.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**CONSENT AGENDA**

**7 East Washington Street – AT&T – Communications Equipment, Case No. HDC 2017-10.**

**146-148 North Potomac Street – Bob Jones – Rear Deck Replacement,  
Case No. HDC 2017-14.**

**814 Potomac Avenue – Kenneth Hubbard – Roof Replacement and New Gutters,  
Case No. HDC 2017-16.**

**203 South Prospect Street – Alex Linke – Replacement Windows, Case No. HDC 2017-17.**

- MOTION:** (Davis/Silas) Mr. Chairman, I have reviewed the materials submitted in Cases HDC 2017-10, 7 East Washington Street; HDC 2017-14, 146-148 North Potomac Street; HDC 2017-16, 814 Potomac Avenue; and HDC 2017-17, 203 South Prospect Street, 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 the previously mentioned cases.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

## **DESIGN REVIEW**

### **25 South Potomac Street – The Maryland Theatre Association, Inc. – Demolition, Case No. HDC 2017-15.**

Mr. Bockmiller provided background on this project. The Maryland Theatre is proposing an addition to the front of the building (essentially a new building that connects to the historic auditorium) which will necessitate removal of the McBare’s Pub building. This public hearing will serve two purposes. First, the Historic District Commission (HDC) will review the Theatre’s application for a Certificate of Hardship using the “deterrent to a major public improvement program” criteria. Mr. Bockmiller explained the commission’s role in the review process which is authorized by Maryland state law and is written into the Zoning Ordinance. This is the first time the HDC has reviewed an application based on public benefit/major improvement project. The process has two steps: the first step is this meeting which will allow the applicant to present its case that the project cannot move forward if the McBare’s building has to be included into the new design. Second, this meeting gives the HDC an opportunity to provide conceptual review of the new building. If the Certificate of Hardship is approved, two conditions will be incorporated into the approval: 1) the applicant must come back with final designs of the new building; and 2) the applicant must show that their financing is in place for the new building.

This project is being financed in part by funds from the State of Maryland. Anytime state funds are involved with an historic building, it triggers review by the Maryland Historic Trust (MHT). The MHT directed the applicants to hold a public meeting to gather comments that will be included in MHT’s review of the project. In order to streamline the process, the City offered to permit this HDC meeting to also function as the public meeting requested by the MHT, and the meeting was advertised and local preservation advocates were contacted by mail or email. The

HDC will go through its Certificate of Hardship review process and then give preliminary comments on the replacement building. Public comment will be invited. The minutes will serve to provide comments to the MHT. The HDC will make only one of the two decisions; the MHT makes the other call.

Staff Report: The applicant proposes to demolish the “McBare’s Pub” building (the Maryland Theater ticket office building) to accommodate the construction of a 30,000 square-foot addition to the historic Maryland Theatre. The addition/new building would connect the lot on which “McBare’s” stands as well as the front plaza area in front of the current entrance to the Maryland Theatre. This application is for demolition, including provision of the necessary requirements for a “Certificate of Hardship” for the building “not being in the best interest of the majority of the persons in the community.” The MHT holds a preservation easement on the theater but not the McBare’s building.

Proposed elevations (subject to adjustment and revision) have been included in this application for HDC feedback, but this application is not for final approval of the design of the new building. This process is the first step of a two-step process. In this step, the applicant is seeking preliminary approval of the demolition and a conceptual review of the proposed elevations.

**Background:** The Maryland Theatre was constructed circa 1915, and included an apartment building that was located where the plaza is today. The apartment building was destroyed by fire in 1974 and a new non-historic entrance was constructed as part of the effort to restore the theater to use. This area has been a pedestrian area since. The “McBare’s” building was constructed in the second half of the 19<sup>th</sup> Century, but its façade has been radically changed and modified several times since. The proposed project is funded in part by funding from the State of Maryland. The historic theater is located about 90 feet from the right-of-way of South Potomac Street. The “McBare’s” building is 39 feet wide and extends from the sidewalk to the front of the theater building. The plaza measures approximately 41 feet wide by 60 feet deep.

**Standards for Evaluating Certificate of Hardship:** The applicant is seeking a Certificate of Hardship using the “Deterrent to a major public improvement program” criteria found in the Land Management Code, Article 4, Section T.4.c(2)(a) and (b). The Theatre is not applying for approval using the “Major Economic Development Opportunity” (MEDO) standard. The HDC’s adopted standards procedures for review using this standard are described as follows (staff comment in underlined italics and entered into the record by reference):

1. The applicant will submit a design review application to the Historic District Commission for “demolition of a building in order to construct a new public project that is a major improvement program of substantial benefit to the city.” The application has been submitted and has been deemed complete for review by the Zoning Administrator. The application contains substantial narrative and illustrations as required later in these standards.

2. The application will be accompanied by:
  - A. Conceptual drawings of the proposed replacement development for the HDC's advice and comment before moving to detailed design. Conceptual elevations of the front façade have been provided with the application. Since the building will be adjacent to the First Hose Company building to the south, the existing theater to the west, and a narrow pedestrian alley separating this building from the future expansion of the Barbara Ingram School to the north, additional elevations are not necessary for this preliminary review.
  - B. A narrative explaining why the existing building cannot be retained as part of the new public improvement project, citing any necessary factors the applicant wishes the HDC to consider in its review. Examples of such factors might include: 1) structural insufficiency of the building to meet modern codes for floor load for the proposed use; 2) problematic floor plates for the needs of the proposed use; 3) incompatibility of floor plates with adjacent buildings (when buildings will be combined); and 4) inadequacy of space in the existing building that cannot be effectively added to. NOTE: These are examples. Other justifications not included here may apply depending on individual situations. The applicant has provided proposed floor plans of the building for each floor. One page has been copied and marked up by staff to approximate the footprint of the existing building in relationship to the planned layout of the proposed 30,000 square-foot, four-story addition. Additional narrative has been provided explaining engineering and building code issues that preclude reuse of the "McBare's" building for the intensive use and loads that current building codes will require this space to be designed to adhere to, as well as other justifications for why this building cannot be adaptively reused for this development.
  - C. Preliminary evidence of funding of the project by public agencies. The application includes a spread sheet illustrating the various sources of funding for the proposed project as well as other projects that are intended to be coordinated with this project. The Governor's office has pledged funds for the Urban Improvement Project and \$5 million has been earmarked for this project, with the Washington County government and the City of Hagerstown pledging \$500,000 each. The theater has recently contracted with a professional fundraising firm to complete the private sector funding component of the project. This summer, the City anticipates making applications for pass-through grants to the project from the grant programs at the Maryland Department of Housing and Community Development.
3. The applicant meets with the HDC and presents its case for the demolition. If the HDC finds that the development is a "Major Improvement Program" as described in the Zoning Ordinance, the HDC will provide a conditional approval of the demolition, with the

condition that the demolition permit not be signed by staff until final HDC approval of the replacement project has been obtained and the applicant provides documentation to the HDC that the public funding necessary to execute the project is in place. The HDC may provide feedback to the applicant regarding the conceptual elevations provided at this phase to help guide the applicant in the design of the replacement building. With this conditional approval in place, the applicant can be comfortable expending resources to complete final designs of the replacement project. The Zoning Ordinance sets the following standards for review:

Standard for determining that preservation of a site or structure will be a deterrent to a major improvement program which will be of substantial benefit to the city or will not be in the best interests of the majority of the persons in the community:

- (a) The project is funded in the Capital Improvement Plan and Budget of the City of Hagerstown, the County Commissioners of Washington County (including the Washington County Free Library), the Washington County Board of Education (educational and administrative facilities only), the State of Maryland or the federal government, and the government agency has complete designs for the capital project; or Conceptual designs are part of this application. If the applicant demonstrates that the building cannot be retained as part of this project, and is granted conditional approval of the demolition, they will come forward at a later date for formal approval of the demolition which will be tied to formal approval of the final design and planned construction of the project. This project is a public-private partnership that is receiving public funding from the State of Maryland, Washington County, and the City of Hagerstown.
- (b) The site or structure is incompatible with the Comprehensive Plan's goals for the enhancement of that neighborhood and the community in general; or The applicant has provided a narrative of the planned development, how it will function, and has provided narratives of how the project implements the goals of Hagerstown's Comprehensive Plan, as well as the Hagerstown Arts & Entertainment District Plan, the Community's City Center Plan, the 2012 Sustainable Community Plan and the goals and objectives of the Heart of the Civil War Heritage Area's Management Plan.
- (c) The HDC receives what it determines to be a satisfactory and detailed recommendation from the City Administrator or his designee in support of a project that is a bona fide Major Economic Development Opportunity, approved as such by the City Administrator or his designee after application of the then current standards established by the City. This standard is not applicable to this case, nor is the applicant seeking approval based on this standard. However, it should be noted that the intention of this project does address this standard's objective to

*promote selected projects which will be major generators of foot traffic and employment opportunities in the City Center area.*

4. The HDC's authority to review the design of new construction is unaffected by this process. Once final building elevations are completed by the project architect, the applicant will submit a design review application for the site work and building elevations as if the existing building does not exist. New construction shall comply with the HDC's Design Guidelines for new construction. The HDC will review the new project for consistency with the Guidelines for new construction. Once the HDC is satisfied that the plans meet the guidelines and sufficient documentation is provided showing that the public funding is in place to complete the project, the HDC will approve the design review application for the new work. Complete internal plans are not required as the HDC has no authority over the interior of the replacement project. *Complete plans will be forthcoming in Step 2 of this process. Conceptual elevations have been provided for the Commission's review and comment before the applicant moves onto final design. Staff has reviewed the conceptual plan, and finds that it is consistent with the Design Guidelines as it relates to new construction. Its height is consistent with adjacent buildings. The rhythm of window and door openings is consistent with design guidelines, and masonry is the predominant façade material. Its fenestration patterns and architectural elements pay tribute to the adjacent First Hose Company building. It is clearly a building of its time (first quarter of the 21<sup>st</sup> Century) while effectively fitting within the character of the district. Although this concept is subject to adjustment as it moves to final design, and no design for the projecting theater sign has yet been developed, Staff believes that if elevations based on this concept are submitted for final approval, staff will recommend that it be approved.*

**Other:** The applicant is the custodian of an important historic, architecturally ornate, and structurally very large concert hall/theater which seats approximately 1,300 that is part of this property. They have a fiduciary responsibility to the Maryland Historical Trust to sufficiently maintain and care for the historic theater in accordance with the terms of an easement agreement between the parties. The modernization and expansion of the theatre's support facilities are necessary for the applicant to maintain corporate financial health to ensure the protection and preservation of the primary historic resource. Due to the nature of the necessary improvements, including large restrooms, rehearsal stage area, banquet facilities and new vertical circulation system, the applicant contends that retaining the existing "McBare's" building will be untenable in their efforts to modernize operations and generate sufficient income for the ongoing preservation of the historic theater. To the north is building expansion for BIFSA, to the west is a public alley; to the south is First Hose Fire Co, and to the front is South Potomac Street. The only area available for expansion is in the front.

**Recommendation:** Staff believes that this application is sufficiently complete and detailed in its supporting documentation for the commission to make a determination regarding a Certificate of Hardship conditional/ preliminary approval of the planned demolition of the "McBare's"

building, and to provide preliminary design feedback to the application on the replacement structure.

Commission/Applicant Discussion: Jessica Green, Executive Director of The Maryland Theatre Association, and Sue Hains of Grimm & Parker Architects were present.

Ms. Green told the commission that the Theatre serves 100,000 patrons a year, it is considered the crown jewel of the City's A & E District, and contributes heavily to the local tourism industry. The proposed expansion implements goals of the Comprehensive Plan, the City Center Plan, and the Sustainable Communities Plan. To date the Theatre has received over \$6 million in funding for this project. The new building would provide private event space, fundraising space, etc. and will generate new revenue streams for the Theatre. Other key components of the project include improving ADA accessibility, improving the entry and exit points, adding gathering space for attendees in the form of a new lobby, and upgraded restrooms.

Ms. Haines was encouraged by the number of interested persons in attendance. (A copy of Ms. Hains' PowerPoint presentation is included in the meeting file.) The McBare's site is tight for patrons to get in and out of comfortably. Part of the expansion plans include handicap accessibility, box office space, rehearsal space, improved loading areas in the rear of the building, and improvements to the walkway from South Potomac Street to the alley behind the Theatre. The ballroom will be made available to the community.

Ms. Hains reviewed the changes that were made to the McBare's building over time. Many alterations were made to the building that changed the building's historic character. Currently the second and third floors are not being used because they are beyond renovation. The wood structure is no longer able to support the upper floors. Floor heights of the McBare's building will not match up with the new Maryland Theatre floor plates, and will not allow for new elevators to get to the ballroom. In addition, the mechanical system, plumbing system, and electrical system are not up to current codes.

The proposed new lobby space would provide better flow than the existing. A second lobby is proposed for the second floor with restrooms and office space. The third floor will be a private educational space and warm-up space for performers. Direct access to the Barbara Ingram School for the Arts (BISFA) will be accomplished from the third floor. The fourth floor will contain the ballroom.

The new building will be of its time and will complement the rhythm, texture, proportion of the streetscape, including an ornamental cornice and details from other buildings downtown. The large glass sections of the façade serve to signify this building as a special, public place. The façade materials will be buff colored stone, red stone, and some cast stone.

Commission/Applicant Discussion: Mr. Gehr concurred that the McBare's building has had numerous modifications that jeopardized its historic value and the building is small. Downtown

benefits from a successful Maryland Theatre. The interior is very historic and very important and that adds benefit to this building. McBare's is a B resource; the Maryland Theatre is an A resource. Mr. Gehr confirmed staff's statement that this hearing is the first step. By saying the HDC has no objection to the demolition of the McBare's building will allow the project to move along so the commission can comment on the replacement building that is proposed in its place. The applicant will have to go through the second step outlined by staff previously before the building can be demolished. This first step allows the applicant a level of comfort investing the large amount of funds in creating final construction plans. Mr. Bockmiller clarified that any approval of demolition will come embedded with conditions that need to be addressed before the demolition can commence.

Mr. Silas was concerned that the proposal will ultimately modify an A resource when the B resource (McBare's) is removed. Mr. Bockmiller stated that all work associated with the construction of the new building, including how it will be connected to the A resource will be subject to review and approval by the HDC and the connection to the easement encumbered theater would be reviewed by the MHT. Ms. Kreiger followed up on Mr. Silas's concern about not disturbing the A resource. Her concern was about ensuring that the floorplates of the new building do not interfere with the Maryland Theatre's floorplates. Ms. Green indicated that the floorplates will match with the demolition of the McBare's building. Dr. Reed wanted to make it clear that just because a building is a B resource it does not mean it should be approved for demolition without just cause.

Mr. Bockmiller wanted to make sure that the standards for determining whether a building is a deterrent to a program that will be of substantial benefit to the city were put into the record. One of the criteria is the project is funded in Hagerstown's Capital Improvements Plan and budget of the City of Hagerstown, the County Commissioners of Washington County, including the Washington County Free Library, the Washington County Board of Education for administrative and educational facilities, the State of Maryland or the federal government. His understanding is that the City of Hagerstown, State of Maryland, Washington County government have all included funds in their capital budgets for this project. Ms. Green stated that to date the Theatre has received \$500,000 from the City of Hagerstown and \$500,000 from Washington County; and have been promised \$5 million from the State of Maryland. Mr. Bockmiller added that the second criteria is that the site or structure is incompatible with the Comprehensive Plan's goals for the enhancement of that neighborhood and the community in general. Mr. Bockmiller noted that multiple plans, besides the Comprehensive Plan, recognize the importance of this project (Sustainable Communities Plan, the Downtown Plan, Heritage Area Plan, among others).

At this point the meeting was opened up for public testimony. Mr. Gehr asked for brevity and conciseness and that comments be contained to the actual demolition in and of the building itself. Funding will not be part of the discussion.

Public Testimony:

**Dennis Upton, 16505 Virginia Avenue, Williamsport, Maryland.** Concerning the McBare's building, Mr. Upton observed that the building is hardly being used and is in bad condition. It would be good to demolish this building and believed it to be past its usefulness. The Maryland Theatre's proposal would be a benefit and bring enhancement to the Theatre.

**Blaine Snyder, representing First Hose Fire Company, 13902 Kellen Drive, Hagerstown, Maryland.** Mr. Snyder wanted to ensure that the exposed side wall of the adjacent fire house is parged and does not deteriorate. He is most interested in protecting the interests of the First Hose Fire Company's building adjacent to McBare's.

**Gary Hayes, chair, Board of Directors, Hagerstown/Washington County Chamber of Commerce.** (See copy of their letter in the meeting file.) On behalf of the Chamber, Mr. Hayes expressed the Chamber's support this initiative. This is a catalyst and incubator project to encourage additional revitalization and redevelopment. This project needs to happen to make Hagerstown vibrant again.

**Jill Frick, Director of Community and Economic Development, City of Hagerstown, 14 North Potomac Street, Suite 200A, Hagerstown, Maryland.** Ms. Frick indicated her office's support of The Maryland Theatre's request for demolition of the McBare's building. Retention of the structure would impede a project that is of substantial benefit to the community. The project has demonstrated support from numerous agencies. Ms. Frick provided two additional letters of support from WLR Investments and Jay Zuspan of 28 South Restaurant. Mr. Zuspan's restaurant relies on patrons of The Maryland Theatre. (A copy of Ms. Frick's letter and the letters from WLR Investments and 28 South are in the meeting file.)

**Donna Kelly (no address provided).** Ms. Kelly had concerns about the cost of the project and noted that her property taxes will be going up. She is having trouble affording her house as it is now. The City keeps tearing buildings down, then rebuilding, and property taxes are going up.

**Gerry Philp, 19506 Meadowbrook Road, Hagerstown, Maryland.** Mr. Philp spoke to the public benefit of the project. He has a son who was in the first graduating class at BIFSA and he himself has performed at the Theatre. He concurred with the applicant's presentation in that the current conditions require that something be done. He heartily endorsed the project. The new space will be used.

**Michael Fitzgerald, President, Gideon Properties, LLC, 382 South Cleveland Avenue, Hagerstown, Maryland.** Mr. Fitzgerald submitted and read his letter into the record (copy in meeting file). He is a real estate investor and owns several buildings downtown including The Grand Building and the Professional Arts building. He testified to the positive social and economic impact that the Theatre's expansion will have on the City.

The public testimony portion of the meeting was closed.

**Response/Clarification:**

Ms. Allen asked if the HDC would consider at some point that the McBare's façade has changed significantly multiple times and the exterior of The Maryland Theatre changed as well. Mr. Bockmiller clarified that the A resource for The Maryland Theatre is on the interior only, nothing that is visible from the exterior has any real architectural value in that much of what is visible is a result of the fire in 1974. Dr. Reed agreed that the interior is the only significant part of the building. Ms. Green indicated that the Maryland Historical Trust has easements on the interior, exterior and the property (land). Concerning the two levels of review, Mr. Bockmiller stated that the HDC's decision and the MHT's decision are independent of each other. If the MHT has concerns about the McBare's demolition that cannot be overcome, that will impact the future of the project, too. Ms. Allen asked if this project would be eligible for an Economic Hardship. Mr. Bockmiller said the Theatre would have to do the homework and make the case. He explained the Economic Hardship procedure. If the project fails here, the Theatre may make the Economic Hardship argument also based on its size, location, and current condition.

If the commission is inclined to approve the Certificate of Hardship, Mr. Bockmiller recommended that the motion cite the material that the applicant referenced, specifically including references to the difficulties such as the varying floorplates. The standards referenced should be that the project is funded in the capital improvement plan and budget of the City of Hagerstown, the County Commissioners of Washington County, including the Washington County Free Library, the Washington County Board of Education (educational administrative facilities only), the State of Maryland or the federal government, and the agency has complete designs; and the site or structure is incompatible with the Comprehensive Plan's goals for the enhancement of that neighborhood and the community in general. Mr. Bockmiller read the standards into the record (page 4-111 and 4-112 of the Zoning Ordinance – copy in meeting file).

A condition of the approval would be on the final designs being approved prior to the building coming down.

**MOTION:** (Davis/Silas) I move to approve the Certificate of Hardship for reasons the Theatre's comprehensive application indicates difficulty in rehabilitating the current structure incompatible with what is proposed for The Maryland Theatre. The project is compatible with work going on in City Center, Heritage Area, Downtown Main Street, particularly the Arts & Entertainment District as the Theatre has been referred to repeatedly in those projects. There is funding from the City, County, and State for \$6 million for this project. We have had testimony in favor of this project's benefit to the community, and the design which we are not approving today seems to be something we can comment on in the future.

**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

The commission was asked if it had any comments on the preliminary elevations. Staff recommended that the architects consider redesigning the vertical sign to lengthen it to two stories in height and advised the HDC that the “coming attractions” sign may be an electronic message board. Mr. Gehr questioned the canopy across the front entry and whether it will be a rain screen. Ms. Hains stated that the exterior marquee is a placeholder at this time. The plan is for a grander marquee. The rectangle for upcoming attractions will be a slide show. The canopy is also a placeholder, but the intent is for something that will protect patrons from the weather.

Dr. Reed said when the plans come to the commission for review, the applicant will need to provide samples of all materials. That block is predominantly brick and the commission will definitely want to review the façade materials. Mr. Gehr asked about the glazing. Ms. Hains stated that the windows will be clear with bronze-colored aluminum mullions. The cornice work was modeled after the McBare’s building and it will be stone. Mr. Gehr noted that the walkway to the back alley on the north side and the south side are not very visible. The rooftop air conditioning units that the commission approved several years ago will now be screened by the new addition. Mr. Gehr questioned how the incline in front of the current lobby will be addressed. Ms. Hains indicated that there will be stairs on the outside and the inside of the building.

Mr. Bockmiller let the architects and the applicant know that the HDC is more than happy to hold workshops to help sort out the design details for this project.

## **WORKSHOP**

None.

## **NEW BUSINESS**

### **Preservation Month – Award Nominations.**

Staff noted that there were not too many noteworthy projects this year. Some suggestions included the Spanish-style house at 403 North Potomac Street (diagonal to Bloom Park); the property at 130 Broadway which was featured in *Hagerstown Magazine* article; the property at 821 Potomac Avenue (a fire rehab); and the Nicodemus building on the corner of North Prospect and West Washington Streets.

**Historic District Commission  
MINUTES**

**April 13, 2017  
City of Hagerstown, Maryland**

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Projects for next year could include the City Park Lake dredging, the Main Street Program for the Hagerstown Cultural Trail.

HDC members decided to recognize the Nicodemus building. Demolishing the 1960s motel and painting the exterior of the Richardsonian Romanesque house made a big difference on that corner.

**OLD BUSINESS**

None.

**ANNOUNCEMENTS**

None.

**ADJOURN**

It was moved and seconded that the meeting adjourn (5:55 p.m.).

5/11/2017  
Approved

  
Debra C. Calhoun – Secretary