

**Historic District Commission  
MINUTES**

**April 9, 2015  
City of Hagerstown, Maryland**

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Michael Gehr, chair, called the meeting to order at 4:30 p.m. on Thursday, April 9, 2015, in the Conference Room, Fourth 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. Crumrine, C. Davis, and S. Silas. S. Bockmiller, Development Planner/Zoning Administrator, and D. Calhoun, Secretary, were present on behalf of the Planning and Code Administration Division.

**APPROVAL OF MINUTES – January 22, 2015; February 12, 2015; and March 12, 2015.**

**MOTION:** (Davis/Allen) I move that the minutes be approved.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**CONSENT AGENDA**

**43-47 West Washington Street – City of Hagerstown – Landing (Revision),  
Case No. HDC 2014-49.**

**170 West Washington Street – City of Hagerstown – Windows (Revision),  
Case No. HDC 2015-02.**

**100 South Potomac Street – Washington County Free Library – Sculpture,  
Case No. HDC 2015-09.**

There were no concerns from the audience or by commission members on any of these cases.

**MOTION:** (Davis/Silas) Mr. Chairman, I have reviewed the materials submitted in Cases HDC 2014-49, 43-47 West Washington Street; HDC 2015-02, 170 West Washington Street; and HDC 2015-09, 100 South Potomac 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 the cases as its own and grant Certificates of Appropriateness to the applicants for the previously mentioned cases.

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

**DESIGN REVIEW**

**811 The Terrace – Kathryn Louise Kershner – Gazebo(s), Case No. HDC 2015-07.**

Kathryn Kershner, 811 The Terrace, Hagerstown, Maryland, was present.

Staff Report: This is a “B” resource in the Oak Hill Local Historic District. Applicant seeks to reconstruct up to three 10 x 10-foot gazebos which are being “rescued” from The Cozy Inn in Thurmont, Maryland. The Cozy is slated for demolition in the near future. Two of the three gazebos have flat roofs; the remaining gazebo has a shake roof with a cupola. All three gazebos would be placed in the rear of the property on the left side (facing the residence) close to the house in a wooded area of the property. Staff noted concerns over 1) the number of gazebos proposed for this property (these three, plus one desired for the front yard which is not part of this application); and 2) the condition and configuration of the gazebos repurposed from a restaurant site. Staff made no recommendation noting that typically you do not see that many gazebos on one property. Also, some of them do not have support posts.

Applicant/Commission Discussion: Ms. Kershner told the commission that they have decided to repurpose only one gazebo (the one with the cupola) for this property and it will be placed in the side yard close to the residence. They also will not be considering fencing at this time. The lattice and woodwork on the gazebo they chose needs to be restored. The gazebo will be placed on either a concrete or wood foundation and would be located a distance from the street. Ms. Kershner agreed to amend her application to state that only one gazebo, with a cupola, will be placed on the property.

Staff had no objection and recommended approval to the amended application because it reduces the number and the structure will be rehabilitated. Ms. Allen wanted to be certain that the gazebo is not located any closer to the street than the building line. Ms. Kershner stated that the floor will be level with the ground. If the floor is wood it will sit slightly higher so the floor does not rot. Mr. Gehr asked about screening. Ms. Davis indicated that there are existing trees and bushes that will screen the structure.

**MOTION:** (Silas/Davis) 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 height, setback, materials, architectural detail, are generally in harmony with Architectural Design Guidelines for the Residential Preservation 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. HDC 2015-07.

**DISCUSSION:** Ms. Allen asked that the motion be amended to reflect the changes to the application as noted. Mr. Silas and Ms. Davis agreed to the amendments.

**ACTION:** APPROVED (Unanimous)

**33 West Franklin Street – RG Realty – Window Film, Case No. HDC 2015-08.**

Roberto Gonzalez, 33 West Franklin Street, Hagerstown, Maryland, was present.

Staff Report: This is an “E” resource in the Downtown Local Historic District. Applicant would like permission to apply window film with three printed logos to the storefront windows on this building. The purpose of the window film is to make the ground floor offices more private. Material proposed is perforated PVC printable vinyl. According to the information provided by the contractor, precision Signs and Wraps, the proposed material is removable and leaves no permanent resins, marks or glues if the film would be removed in the future.

Staff recommended denial of the application. The treatment is on the inside of the window and technically beyond the HDC’s authority. However, a condition of approval for the City “First Third” grant for this property was HDC review and approval of anything applied to the interior or exterior of the glass. There are two properties in the historic district that are open zoning violation cases for applying this material to the exterior of windows without HDC approval. These materials tend to be used for a combination of signage and privacy screen. Storefronts with expansive areas of glass and transparency between the sidewalk and the business space is a character-defining feature of the commercial and mixed-use buildings in the downtown district.

Mr. Bockmiller noted that as far as public policy is concerned, the City is doing everything it can to make the Downtown area more inviting. The window film in question has already been installed and it gives the appearance of a “wall” on the front of the building where the storefront windows should be. Given the fact that the proposal is not consistent with City policies, staff recommended denial.

Applicant/Commission Discussion: Mr. Gonzalez stated that his workers need to have some type of privacy since their offices are at street level. Second, the film contributes to savings on heat and air conditioning. The building next door is completely covered with ads. The entire city is covered with this type of signage. Staff stressed that the City is attempting to get away from that type of window treatment. Curtains and louvres afford privacy but do not give the impression of a wall. Mr. Gonzales argued that those options would require maintenance. Mr. Gehr suggested tinted windows rather than white film.

Andrew Sargent, Downtown Manager, for the City of Hagerstown stated that this matter came up while reviewing the First Third Grant for this building. Mr. Gehr pointed out that the white film is very noticeable and asked whether it is available in a color that resembles glass, such as a gray tint. When applied to the dark glass, the white film is very visible. If the film was a gray tint, it might be less obtrusive. Mr. Gehr also questioned the height of the film. Even though this building is modern, he did not believe that this type of film is compatible with downtown buildings.

Mr. Gehr suggested that the case be tabled to allow the commission and applicant to go into a workshop. In that format, ideas can be discussed and issues can be worked through.

**MOTION:** (Davis/Allen) I move to table this application.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**100 North Potomac Street – Janelle Horst/MSB Architects – Replacement Windows,  
Case No. HDC 2015-10.**

Janelle Horst, MSB Architects, 1165 Imperial Drive, Hagerstown, was present on behalf of the owner.

Staff Report: This is a “B” resource in the Downtown Local Historic District. Applicant seeks approval to replace all windows and to remove and brick in an egress door from the third story floor on the east side of the building. All existing first floor windows would be replaced with like-kind Eagle (Andersen) or Weathershield Premium series aluminum-clad windows. Each new window will have the same appearance as the existing windows. All existing second and third floor windows will be replaced with Eagle (Andersen) or Weathershield Premium aluminum-clad windows. Each new window will have the same appearance as the existing windows. Existing glass block windows will not be replaced at this time.

Staff recommended approval of the application. This building has been selected for a cooperative redevelopment project for University of Maryland System-Hagerstown student housing. Windows will be two-over-two double-hung windows. This only affects the residential portion of the building (upper floors). The storefront windows on the first floor will not be affected.

Applicant/Commission Discussion: Ms. Horst asked the commission to consider a third manufacturer, Lincoln. This window is wood on the inside and metal clad on the outside. There will be a space bar between the glass and 5/8-inch exterior muntins. Mr. Bockmiller stated that this brand of window is consistent. The arch over the front windows would be replicated. Where the door is being removed and bricked in, the brick will be recessed to indicate that a door was in this location.

**MOTION:** (Davis/Allen) Mr. Chairman, I have inspected the project plans and the property in question, and if constructed in accordance with these plans and the use of the windows as designated on the application with wood windows on the first floor, the project is compatible with the character of the district for the reasons that of the window materials and architectural detailing and general form and proportion, and these are generally in harmony with 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. HDC 2015-10.

**DISCUSSION:**

None.

**ACTION:**

APPROVED (Unanimous)

**WORKSHOP**

**17 East Avenue – Mark and Sila Bartel – Chairlift, Downspouts.**

Mike and Sila Bartel were present.

Mr. Bockmiller stated that he recommended Mr. and Mrs. Bartel attend a workshop. While this building gives every appearance of residential, the zoning is RO so it could be used for offices. Mr. and Mrs. Bartel plan to retrofit the building for an office which triggers the Building Code requirements for accessibility.

Regarding handicap accessibility, Mr. Bartel said a ramp is out of the question due to the topography. However, a wheelchair lift would require only a five-square-foot area and would be located near the rear deck. There are no plans at this time to rebuild the porch. Mr. Gehr pointed out that they will need to figure in five feet of maneuvering room at the chairlift. Mr. Bockmiller stated that staff's concern is that the machinery would be very visible from the street and asked what the HDC would want to see in the way of screening. Mr. Gehr stated that the pathway will need to meet ADA requirements. He added that the lift is a temporary fixture and could be removed in the future. Ms. Davis stated that handicapped access will become more common and she did not want to discourage people from investing in buildings. Mr. Gehr noted that any screening could be considered discriminatory in that it treats handicapped persons differently, and could hide the location of the lift for someone who needs to use it.

Mr. Bartel said they would like to straighten the gutters out and bury the downspout into ground. The proposed gutters would be half-round gutters. Mr. Gehr said they need to maintain the existing size and geometry. The commission had no issues with proposed gutters, but noted that earth tone or tan gutters may not stand out as much.

Mr. Bartel plans to replace the windows and noted that the neighbor replaced all of their windows with vinyl windows. Mr. Bockmiller stated that the guidelines do allow for replacement windows including ones that use modern materials. The model selected must reflect as close as possible the original windows. The side yard is wide open, so depending on how visible the side windows are, the commission could be less stringent about the style. Mr. Gehr stated that the Bartels need to determine whether the side windows with multiple muntins are original.

Mr. Bartel noted that there are two windows on the second floor overlooking the low roof and that wall is currently covered with pressed tin siding that looks like brick but is painted silver. He

asked what would be an appropriate material to use to replace the siding. It is currently buckled and in poor condition. When the roof is repaired, the siding will need to be repaired. This building was built in 1898. It was determined that the pressed tin was not an original material. Commission members suggested fiber cement siding could be used. Mr. Bartel stated that this area is only visible from the Department of Social Services building and he would like to use vinyl siding. Commission members stated that depending on visibility, it might consider the use of vinyl siding in this location.

The front stoop is currently concrete with four steps. Mr. Bartel would like to install a guard rail down the steps. Mr. Bockmiller noted that the Building Code supersedes the Historic District requirements, however, the HDC will need to review whatever railing they propose.

**33 West Franklin Street – RG Realty – Window Film, Case No. HDC 2015-08.**

Roberto Gonzalez, 33 West Franklin Street, Hagerstown, Maryland, was present.

This case was tabled earlier in the meeting to attempt to identify potential solutions to Mr. Gonzalez's desire to create privacy and screen bright sunlight into his office space on the first floor of 33 West Franklin Street.

Mr. Gehr stated that he has an issue with the white film and its height. Mr. Gonzalez stated that the film is consistent with other storefronts on the block. Mr. Gehr pointed out that according to staff those other examples are violations. He noted that the material could be done in any color. For example, if the film was the same color as the glass it would be almost invisible.

Mr. Bockmiller added that the white film gives the appearance that the windows were closed in with sheet rock or that it is a construction site. Mr. Gonzalez has rented an office-type business and chose a space that was designed for high visibility which has triggered his concerns for security. Mr. Gonzalez added to Mr. Bockmiller's statement and said the film is easier to clean—blinds need to be dusted. Mr. Bockmiller questioned the amount of glare from the windows since this storefront is on the north side of the building. Mr. Gonzalez stated that there is a lot of sun, so much so that they do not need to turn on the lights until evening.

Commission members suggested that Mr. Gonzalez look into a different type of glazing for the storefront windows, something that is tinted a darker color or use a darker film. The main main objection is the visibility of the white material. Mr. Gonzalez could put film on windows to make them darker. Mr. Gonzalez stated that a darker film will not showcase his sign as well. Most commission members agreed with Mr. Gehr and were opposed to the white film.

Mr. Bockmiller presented Mr. Gonzalez with his options in light of the straw poll which indicated that the application would be denied if it was not amended to change the color of the film.

Mr. Bockmiller suggested that the commission may want to leave the application as tabled and allow Mr. Gonzalez to come back with another color. Mr. Gonzalez said he would lose \$3,000 if

he goes with another color. Mr. Gehr suggested that the case be continued in order to obtain more information from Andrew Sargent. Mr. Bockmiller directed the applicant to research different colors and be prepared to talk about it at the next meeting on April 23.

### **NEW BUSINESS**

**Design Guidelines Amendments.** The packet for the last meeting included draft amendments pertaining to window signs. Mr. Bockmiller stated that pending amendments to the Land Management Code would extend the HDC's authority to review signs on the inside of a storefront. Guidelines need to be created for the additional regulations. Mr. Bockmiller presented eight points to add to the guidelines for window graphics (see meeting file). Mr. Bockmiller stated he will need to research how interior window film used with the intent of screening will fall under these amendments.

In its initial review of the proposed amendments to the guidelines, commission members had the following comments about "Window Graphics." Under #5, questions were raised about whether a store's hours would be included in what would be allowed; and whether QR codes and social media labels would be permitted. Business owners will want options on how to market their businesses and also to keep current with new media trends.

Mr. Gehr asked if the proposed maximum eight-inch height for lettering is sufficient (#4). Commission members felt that eight inches might be too small. Mr. Bockmiller offered to provide examples at the next meeting. He will also check with Frederick to see if that jurisdiction has a maximum letter size.

The Economic Development Provision will be handled as a policy document in the Design Guidelines. Mr. Bockmiller needs to put the language into the design guideline format. (Mr. Silas left the meeting.)

### **OLD BUSINESS**

- **Staff-Approved Work.** This will be discussed at the next meeting.
- **Preservation Month.** Awards will be given to Bridge of Life on South Potomac Street, 817 The Terrace, and the Maryland Theatre on South Potomac Street.

### **ANNOUNCEMENTS**

- **Grants Workshop – April 23.** Flyers have been sent out and the Maryland Historic Trust and Maryland Association of Historic District Commissions have been posting

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information about it. Invitations were sent to Frederick, Washington, and Allegany counties. The Chamber of Commerce is promoting it as well.

- Mr. Bockmiller said announced two final events for the Civil War Sesquicentennial commemoration: The first one on April 17 will be a showing of the film, *Lincoln*; the second, on June 26 will be *The Conspirator*.
- Mr. Gehr said in the next few months he will miss meetings because of other commitments.
- Mr. Bockmiller announced that the new member, Samantha Taylor, has been appointed and will be sworn in sometime before the next meeting.

**ADJOURN**

It was moved and seconded that the meeting adjourn (6:10 p.m.).

6/11/2015

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Approved



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Debra C. Calhoun – Secretary