



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

July 27, 2021

Mr. Donald Reuwer
8318 Forrest Street, Ste. 200
Ellicott City, MD 21043

RE: WP-21-105, Walker-Kinsey House
HO-69 - 8180 Main Street

Dear Mr. Reuwer:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.155(a)(1)(i) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

The Division of Land Development recommends **APPROVAL** of alternative compliance to **Section 16.155(a)(1)(i)** of the Subdivision and Land Development Regulations and finds that strict enforcement of the above-cited regulations would result in an unreasonable hardship or practical difficulty. Pursuant to Section 16.104(a)(1), this determination was made considering the following:

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

The applicant proposes to replace the existing 3.5' wide second floor deck with a slightly deeper 6' wide deck to provide outdoor dining for an existing restaurant. The deck will be constructed of materials that are in keeping with the historic building and that are approved by the Historic Planning Commission. These proposed minor improvements would typically be addressed as a minor modification to an existing site development plan; however, this historic site predates the County's development regulations and the requirement for a site development plan. Requiring a site development plan for the minor improvements would unreasonably delay the operation and completion of the deck reconstruction since the Alternative Compliance exhibit is sufficient for a project this minor in scale and scope and it will contain the necessary information to adequately review the project. The additional time and resources associated with site development plan review would create an unreasonable hardship and would not benefit the plan design. Approval of the alternative compliance promotes efficiency of the plan review process as the alternative compliance drawings include all relevant information needed for this project's improvements.


Approval of this Alternative Compliance is subject to the following conditions:

1. This approval is for the construction of the replacement of the second-floor deck.
2. Compliance with the Historic Preservation Commission requirements and the Decision and Order dated August 6, 2020.
3. An easement agreement must be recorded in the Land Records of Howard County allowing the deck steps and walk to extend onto the adjacent parcel. A recorded copy of this agreement must be submitted to the Division of Land Development within 60-days of approval of WP-21-105.
4. The applicant shall comply with all applicable County and State regulations, including the Americans with Disabilities Act (ADA), and obtain all necessary permits from the Department of Inspections, Licenses and Permits.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Brenda Lubber at (410) 313-2350 or email at bluber@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/bl

cc: Research
DED
DLD - Julia Sauer
Real Estate Services



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 File No.
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: HO-69, Walker-Kinsey House

Subdivision Name/Property Identification: 8180 Main Street

Location of property: 8180 Main Street

Existing Use: Restaurant **Proposed Use:** Restaurant

Tax Map: 25A **Grid:** 0000 **Parcel No:** 6 **Election District:** 2nd

Zoning District: HC **Total site area:** 2,634 s.f.

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

HPC application, Case No. 20-51, to replace and enlarge the existing deck; approved by the HPC on 8/6/2020. (Copy attached.)

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
16.155(a)(1)(i)	We are requesting of approval of this application, in lieu of a site development plan, simply to replace the existing deck and increase its size.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: [Redacted] Date: [Redacted]

Signature of Petitioner Preparer: Donald R. Reuwer, President Date: 3/15/2021

Name of Property Owner: R/E Group, Inc. Name of Petition Preparer: Donald R. Reuwer, Jr.

Address: 8318 Forrest Street Suite 200 Address: 8318 Forrest Street Suite 200

City, State, Zip: Ellicott City, MD 21043 City, State, Zip: Ellicott City, MD 21043

E-Mail: dreuwer@ldandd.com E-Mail: dreuwer@ldandd.com

Phone No.: 410-992-4600 Phone No.: 410-707-7054

Contact Person: Donald R. Reuwer, Jr. Contact Person: Donald R. Reuwer, Jr.

Owner's Authorization Attached

AUTHORIZATION

WHEREAS, R/E GROUP, INC., a Maryland corporation, is the record title holder in fee simple of that certain parcel of land in Howard County, Maryland (the "County") known as 8180 Main Street, in Ellicott City, and improvements thereon, being that property currently referred to in the Tax Records of the County as Tax Map 25A, Parcel 6, in the 2nd Election District (the "Property").

NOW, THEREFORE, the undersigned hereby certifies and agrees as follows:

KNOW ALL MEN BY THESE PRESENTS that R/E Group, Inc. hereby authorizes Donald R. Reuwer, Jr. ("Reuwer"), the President of R/E Group, Inc., of Howard County, State of Maryland, to act for R/E Group, Inc. with respect to the Property and to sign, execute, acknowledge, endorse and deliver, in the name of R/E Group, Inc., any and all documents, materials, petitions, requests, permits, applications, and documents with respect to the Property (including without limitation any and all Alternative Compliance Petitions), all as Reuwer shall deem fit and proper, and/or all instruments required by Howard County in connection with the same.

This Authorization shall be irrevocable.

IN WITNESS WHEREOF, R/E Group, Inc. has caused this Authorization to be executed and ensealed on its behalf this 15th day of March, 2021.

By: _____
Donald R. Reuwer, ~~II~~ **JR**
Vice President and Secretary,
R/E Group, Inc.

STATE OF MARYLAND, COUNTY OF HOWARD, TO WIT:

I HEREBY CERTIFY, that on this 15th day of March, 2021, before me, the undersigned Notary Public of said State, personally appeared Donald R. Reuwer, ~~II~~ **JR**, who acknowledged himself to be the Vice President and Secretary of R/E Group, Inc., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he, being authorized to do so, executed the same, in such capacity, for the purposes therein contained.

My Commission Expires:

8/08/24



Victoria Campitelli
NOTARY PUBLIC

IN THE MATTER OF
THE APPLICATION OF
DON REUWER/MASTER'S RIDGE, LLC.

FOR A CERTIFICATE OF APPROVAL
FOR EXTERIOR ALTERATIONS
AT 8156 MAIN STREET
ELLICOTT CITY, MARYLAND

* BEFORE THE
* HOWARD COUNTY
* HISTORIC PRESERVATION
* COMMISSION
* Case No. 19-03

* * * * *

DECISION AND ORDER

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission ("Commission") convened a public hearing on February 7, 2019 to hear and consider the application of Don Reuwer/Master's Ridge, LLC, ("Applicant"), for a Certificate of Approval for exterior alterations at 8156 Main Street, Ellicott City, Maryland (the "Subject Property"). The Commission members present were Eileen Tennor, Allan Shad, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the February 7, 2019 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the "Design Guidelines" or "Guidelines"); and (6) the general design guidelines listed in Rule 107 of the Commission's Rules of Procedure.

Summary of Testimony

Ms. Beth Burgess, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Burgess. The Applicant testified in support of the application.

Findings of Fact

Based upon the evidence, the Commission makes the following findings of fact:

A. The Subject Property

This property is located in the Ellicott City Historic District. This building was constructed in 1926 for the offices of the Ellicott City Times newspaper, which were located on the second floor. The first floor was commercial space rented out for jewelry store and the post office. The existing infill of the 1920s storefronts, beneath the original first-story cornice, were done prior to the creation of the Historic District, but are not early enough to be considered historic. The building has an enclosed storefront with wood shingles, similar to the Reedy Building at 8229 Main Street prior to its renovation in 2016.

B. Proposed Improvements

The Applicant proposes to renovate and restore the building, and return the first floor storefront to a more historically appropriate architectural design.

1. The existing front door will be replaced with a wood door to match the 1960s photo.
2. The replacement plate glass front windows will have wood frames painted Geddy White.

3. The east side windows will be restored to their original opening size and the replacement windows will match the second floor windows.
4. The west side wall will be repainted Brickyard Red.

C. Staff Report

Much of the original first story configuration can be seen in the c. 1960s photograph, however, the photo depicts a front door had been altered and does not reflect the earlier appearance. Staff has not been able to locate any photographic evidence for the building's earlier appearance. To determine the original details for these storefronts, careful, exploratory demolition could occur to expose any evidence of original architectural features, documenting it prior to renovations. The Applicant has requested that the County's Architectural Historian assist with determining the original configuration and documenting it.

The proposed façade design complies with Chapter 6 of the Guidelines. Chapter 6.H explains, "windows do much to establish the scale and character of a building. The arrangement, size and shape of windows, the details of window frames and sashes and the arrangement of glass panes all contribute to a building's personality." The architectural and historic integrity of this building has quite visibly been damaged over the years with the addition of shingle siding and modern double hung windows. The removal of these features, which are not historic, complies with Chapter 6.H, "replace inappropriate modern windows with windows of appropriate style. If documentary evidence of the original windows is available, chose new windows similar to the original. Otherwise, select windows appropriate to the period and style of the building" and "restore window openings that have been filled in, using physical, pictorial or documentary evidence to accurately restore the building's historic appearance." With the assistance of the County's Architectural Historian, the Applicant plans

to start demolition on the inside to reveal evidence of original features on the storefront, such as the case in 2016 at 8289 Main Street (Reedy Building, now Sweet Elizabeth Jane). The work also complies with Chapter 6.K recommendations, “preserve the form and details of existing historic storefronts. Uncover or replace architectural detailing that has been obscured by later additions” and “where physical, photographic or other documentation exists for an earlier storefront...restore the earlier storefront design if the later renovation has not acquired historic significance of its own.” The Front Elevation Plan states that the front doors will be replaced to match the previous existing of wood and glass. The windows will revert to plate storefront glass in a wooden frame with Benjamin Moore Geddy White, CW-20, a neutral trim color. The west side of the building is brick that has been painted several decades ago. The Applicant proposes to paint the side of the building with Brickyard Red, CW-235, to better blend with the bricks on the front of the building.

D. Staff Recommendation

Staff recommends approval of the application as submitted, with the assistance of the County’s Architectural Historian to document what is exposed and help determine the details of any missing architectural elements.

E. Testimony

Mr. Reuwer, previously sworn earlier in the meeting, explained that he was planning on converting the building from office to retail. Mr. Reich stated that it was good to return the building to its original design and it will look fantastic.

Mr. Reuwer stated that he has worked with DPZ staff before and he is excited to restore the building and get it back to retail use, which is needed on Main Street. Mr. Reuwer described the alterations from the 1960s they have discovered and stated he will meet with Mr. Ken Short, the County’s Architectural Historian, who will help determine the original

structure verses what has been modified. Ms. Tennor asked if it would be Ken Short's first meeting with him. Mr. Reuwer stated that what he tried to do was remove the inside modifications first and now that he can see what was previously there, the shape of the vestibule and the stairs, Mr. Short will become involved. His original submission information was 99% accurate, but the vestibule has a slight angle to it from what was expected, so there may be a few modifications with further exploration. Ms. Burgess stated that Mr. Reuwer was seeking to restore the building elevation as shown in the submittal and would only be returning if it the design was drastically different.

F. Motion

Mr. Reich moved to approve the application as submitted, with the provision that if there are changes, Staff can approve the changes. Ms. Tennor seconded. The motion was unanimously approved.

Conclusions Of Law

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

A. Standards of Review

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 6 sets forth the relevant recommendations for Rehabilitation and Maintenance of Existing Buildings, as detailed in the Findings of Fact, part C.

B. Application of Standards

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant proposes to restore the historic façade of a building constructed in 1926. As detailed in the Staff Report, research has been conducted and is ongoing to identify the various elements of the historic façade, and the application is working with the County architectural historian to ensure historic accuracy. The proposed work is completely in accord with Guideline recommendations which recommend removing modern elements and restoring historic facades to the extent possible.

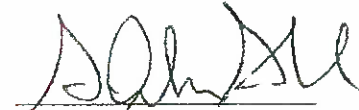
For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair

the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.

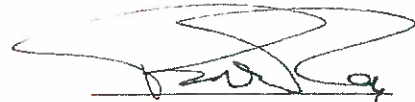
ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 7 day of March, 2019, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED**.

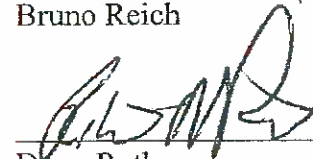
**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



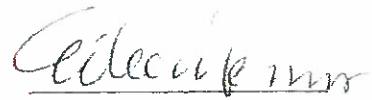
Allan Shad, Chair



Bruno Reich



Drew Roth



Eileen Tennor



Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.