

City of Cambridge

Department of Public Works
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Board of Appeals Minutes April 28, 2020

The Board of Zoning Appeals for the City of Cambridge met at 6:00 p.m. on Tuesday, April 28, 2020 via a conference call, while staff and legal counsel were the only ones present at the City Council Chambers located at 305 Gay Street, Cambridge, Maryland. The meeting was televised live through TownHallStream.com.

Board Members in Attendance by phone: Ted Brooks, Chairman, William Clyde, Vice-Chair, Commissioners Robin Sample, Dormaim Green, Gaver Nichols, Barbara Knepp and William Bishop.

Other representatives in Attendance: Herve Hamon, Planner 1; and Kyle Kirby, City Attorney

Appellants on the phone: Allen Nelson and Jay Jones

Also on the call, in case of questions: Susan Webb, Director of Code Enforcement; Susan Morgan, Vice-Chair of Historic Preservation Commission

Chairman Brooks opened the meeting at 6pm.

Chairman Brooks then issued a welcome and explained the order of the proceedings.

Chairman Brooks swore in those wishing to testify.

Chairman Brooks asked for a motion to approve the April 28, 2020 Meeting Agenda and the December 17, 2019 BOA Meeting minutes as submitted.

Vice Chair Clyde made a motion to approve both as submitted, it was seconded by Chairman Brooks; all approved unanimously.

Regular Business:

1. BOA 2019-003 – Amendment of Special Exception for temporary Homeless Shelter located at 200 Washington Street / Salvation Army – extension of use due to Corona virus situation.

€ Background:

Applicant/Owner:	Allen Nelson / Salvation Army
BOA Case No.:	2019-003
Nature of Request:	Special Exception Extension
Location of Property:	200 Washington Street
Total Acreage:	3.94 Acres
Zoning:	Institutional

The Planning Commission heard this application at their August 7th hearing and is recommending approval of the temporary use for the winter season of 2018 thru 2020. The shelters will be in place and in use starting December 1st and removed March 31 annually.

Amendment of April 28, 2020:

Because of the safety conditions dictated by the Corona virus, the Salvation army is requesting an extension of the use of the trailers in the back of the property until such time as the state of emergency is lifted, keeping the homeless population safe and within the facility. This change of condition is only applicable in 2020, in association with the measures taken to fight the spread of the pandemic; once social distancing and other safety measures are lifted, the condition of the Special Exception as defined in the original BOA 2019-003 would apply again. Should a similar situation repeat in future years, the Salvation Army will be requested to file for another amended special exception.

€ **Discussion:**

A brief discussion took place amongst Commissioners and with the applicant about what would be a practical amount of time for the Salvation Army if the shelter was to close, then re-open on December 1st. Even though a gap of 3 months of closure as a minimum seemed to reach the most approvals, the Board preferred to make their ruling of the extension contingent solely on the official procedures provided by the Dorchester County Health Department.

€ **Decision:**

Commissioner Nichols made a motion that for BOA 2019-003 – Extension of Special Exception, the Board approve the extension as submitted in concert with the Dorchester County Health Department Assessment and Need.

Vice-Chair Clyde seconded that motion; all approved unanimously.

2. BOA 2020-004 – Appeal of the Historic Preservation Commission decision for Window Replacement at 119 Vue De Leau Street.

€ **Background:**

Applicant/Owner:	Jay Jones
BOA Case No.:	2020-004
Nature of Request:	Appeal of HPC decision
Location of Property:	119 Vue DeLeau
Total Acreage:	4,120sf
Zoning:	NC-3
Open Violation:	Complaint #2019-1013, dated Dec. 13-2019

€ **General overview:**

- At the HPC meeting of February 20, 2020, Mr. Jay Jones presented his application to substitute all wood windows with vinyl windows replacement.

- Prior to the meeting, members of the HPC and staff inspected the existing windows, stored on the front porch, and confirmed that most of the wood and frames did not show significant rot.
- At the meeting, the Historic Preservation Commission granted Mr. Jones approval to replace all windows on the side and the rear with matching vinyl windows (since all the windows had been already removed from their openings, and the application demonstrated a good match/replacement), but asked that Mr. Jones to re-use and repair the historic windows for the front facade and the 2-story bay on the Northeast corner of the house, visible from the street, to preserve the historic character of the house.
- Below is the text of the HPC minutes as recorded on February 20, 2020:

Chairman Vojtech made a motion that:

- All exterior window trim be re-built to come in front of the plane of the façade siding, therefore projecting as it was originally (all profiles to match original; trim profiles to be submitted to staff for review of appropriateness)
- Wood windows for the front of the house (count of 4) facing the street, and at the bump-out bay (count of 6) be repaired and re-installed
- All remaining windows on the side and rear of the house be substituted with the proposed United vinyl windows in the application
- Work on the house will be documented with a biweekly inspection from staff (Code Enforcement and/or Historic Preservation), and failure to show progress continuously in a period exceeding 3 weeks would trigger enforcement action and penalties

Vice Chair Morgan seconded the motion, all approved unanimously.

- The HPC decision was based on the Secretary of Interior Standards for Rehabilitation and the 2018 Cambridge Historic District Design Guidelines, presented at the meeting, and stating that when historic/original windows are not deteriorated beyond repair, they shall be preserved.
- Mr. Jones is appealing the request to repair and re-install the original 4 front façade and 6 corner bay windows, instead of replacing them with a vinyl equivalent, like on the rest of the house.

€ Discussion:

- After the staff presentation, Mr. Jones expressed that he was not given sufficient guidance and information along the process, and that he was not aware of the Design Guidelines to follow. Commissioner Knepp clarified that Mr. Jones acquired the property in 2011, therefore has been a resident in the Historic District for the last 9 years; and she added a statement that staff has a proven record of assistance and responsiveness to all applicants in the Historic District.
- Mr. Jones also explained that he thought it was unfair that the HPC requested he rebuilds the window trims throughout and make them proud of the façade siding (something he was not cited for). Mr. Hamon responded that this was historically appropriate for the house as well as the most efficient construction detail to guarantee the adequate waterproofing of the window openings.
- Mr. Jones stated that in his conversations with staff, he was told that “any vinyl windows would do, no matter what brand”. Chairman Brooks responded he doubted very much that this was indeed the recommendation Mr. Hamon would have made, since windows are one of the most debated topic in the Historic District.
- Commissioner Nichols expressed that he thought the HPC was helpful to Mr. Jones, allowing the substitution of more than the majority of windows to vinyl, and that he found the Commission to have been very collaborative to Mr. Jones’ situation, given the violation and unauthorized demolition of the original windows.

€ **Decision:**

Commissioner Bishop made a motion to uphold the Historic Preservation Commission Decision of February 20, 2020; the motion was seconded by Commissioner Sample, all approved unanimously.

Board Elections:

After Commissioner Nichols moved to nominate William Clyde as Chair, and after Vice-Chair Clyde moved to nominate Gaver Nichols as Vice-Chair, the entire Board voted and unanimously elected William Clyde as new Chair, and Gaver Nichols as Vice-Chair.

Chairman Clyde asked for a motion to adjourn.

Motion was made to adjourn by Vice-Chair Nichols; seconded by Commissioner Knepp.

The meeting adjourned at 7:30pm.

Respectfully submitted,

Herve Hamon, Planner I

Signature: William W. Clyde
William Clyde, Chairman, Board of Appeals

Date: May 26, 2020