

**CARROLL COUNTY HISTORIC PRESERVATION COMMISSION MINUTES OF
TUESDAY OCTOBER 12TH, 2021**

LOCATION: Reagan Room, County Office Building

COMMISSIONERS PRESENT: Edwin Gregg, Craig Saunders, Christopher Tomlinson, Kyohei Abe (recused).

COMMISSIONERS ABSENT: none

OTHERS PRESENT: Timothy Dixon, Counsel; Hannah Weber, Planning Liaison; Teresa Weaver, resident of Uniontown; Sam Weaver, resident of Uniontown; Michele Henderson, resident of Uniontown; John Welsh, resident of Uniontown; Cynthia Ferranto, resident of Uniontown; Ron Arthur, Historic Uniontown Inc.; Liz Arthur, Historic Uniontown Inc; Nancy Knight, resident of Uniontown.

New Business

1. **Introduction of those present:** The Commission members all introduced themselves. Commission Member Kyohei Abe was recused due to relationship with application 21-09.
2. **Approve the minutes from September 14th, 2021 meeting.** Mr. Saunders made a motion to approve the minutes. Mr. Tomlinson seconded the motion and it passed unanimously.
3. **New Business - Application 21-09 Application for the installation of a privacy fence at 3424 Uniontown Road by Kyohei Abe and Katherine Gaydos.** Mr. Abe presented his application and stated the application was requested to be submitted by the HPC Chair. The fence was finished construction in August 2020. The applicant stated the reason no application was submitted previously is due to past conversations with the previous HPC Chair, Matt Rohde. Mr. Rohde stated an application was not needed because the fence was in the backyard and there was limited visibility of the fence from the road. The applicant explained a privacy fence was necessary due to the narrowness of the property which is around 30ft. The applicants often see lights from neighboring properties which illuminates their backyard as well as dogs and people cutting through their property. Mr. Abe explained the fence materials match the home and is aesthetically pleasing. The fence is not painted which is similar to surrounding homes and the materials are pressure treated and weather guarded wood was used which was recommended by Home Depot. The applicant explained the height of the fence varies from four feet in some places to eight feet in other places throughout the backyard due to slopes in the backyard. Before constructing the fence, the applicant asked surrounding towns people their thoughts of a fence. Mr. Tomlinson asked the applicant how much of the fence is visible from the road. Teresa Weaver said she has pictures, but the HPC determined they will be taken at the time of public comment. The applicant said visibility of the fence from the road depends on where you are on Uniontown Road as well as if

you're walking or driving by. Mr. Dixon introduced Exhibit 1 which is a picture of the portion of the fence visible from the road as well as the home. Mr. Gregg gave background of Uniontown saying the Historic District of Uniontown didn't become official until the 1980's and the HDO and HPC did not become official until the 1990's. Historic Uniontown Inc., a nonprofit in Uniontown, approached the HPC about the deteriorating state of the bank building. The HPC then hired an engineer. The bank building was eventually condemned. Mr. Gregg went on to explain that Jonathan Herman bought the bank building which brought the building back to structural safety and an addition to the bank building was added. Mr. Abe now lives in the addition to the bank building. Mr. Gregg made the argument that the newly constructed fence is a continuation of this addition. Mr. Saunders said he believes the second floor of the addition looks less historic than the newly constructed fence. Mr. Dixon introduces exhibit 2 which is a report from an architectural firm from 2014 stating the bank should be demolished. The hearing moved on to questions about Mr. Abe's application. Sam Weaver introduces his exhibit 1 showing pictures taken from the Weaver's home with the newly constructed fence. Mr. Weaver says the newly constructed fence obstructs the site lines from their home and their guest home. Teresa Weaver states Katherine Gaydos, applicant, was upset about the lights coming from the Weaver's home. Ms. Weaver said they planted trees to help mitigate the light but it was not enough for Ms. Gaydos. Mr. Dixon instructs the only portion of the fence the HPC should be discussing is the portion visible from the road, not the fence in the backyard. Mr. Weaver states if the HPC approves the application he will appeal to the Board of Zoning Appeals and to the Circuit Court, if necessary. The cost of lawyers needing to be hired in future proceedings was also brought up by the Weavers as a factor. Mr. Weaver suggests a compromise of the fence which is reducing the height of the fence to 4ft and the Weaver's will change the light to face more downward instead of out. Ms. Weaver adds that the fence is not meeting the HPC's design guidelines. Mr. Gregg suggests delaying a decision on the application for 45 days to give the applicant and the Weaver's a chance to discuss a compromise. This is not ideal for the Weaver's. Michele Henderson, a neighbor of the Weaver's, says the light does not bother her. John Welsh and Cynthia Ferranto live directly across the street from the bank and like the construction of the fence, the fence is not intrusive and only visible if you're looking for it. Ms. Ferranto says the fence fits the modern feel of the addition and is in harmony with the landscape. Nancy Knight adjoins the bank on the east side and also shares a driveway with the applicant. Ms. Knight states the applicants discussed the fence with her before construction and she had no objections. Ms. Knight also says you have to look hard to see the fence from the road and wishes the fence blocked more light coming from the Weaver's home. Mr. Gregg brings up again waiting the 45 days. The Weaver's are not in favor of this and Mr. Abe says the 4ft compromise would not be high enough to ensure privacy. Mr. Abe says that he believes previous discussions amongst the HPC and the Weaver's regarding planters in front of the Weaver's home has brought resentment towards him from the Weavers. Mr. Gregg explains that since there was no formal complaint regarding the planters, the issue was dropped. Pictures of planters were taken along Uniontown Road but nothing was ever decided on. Mr. Weaver says the fence is poorly constructed. Mr. Dixon explained the County is not involved with the construction of fences and that the liabilities with them lies with private parties. Ron Arthur, Chairman of Historic Uniontown Inc., reiterates the

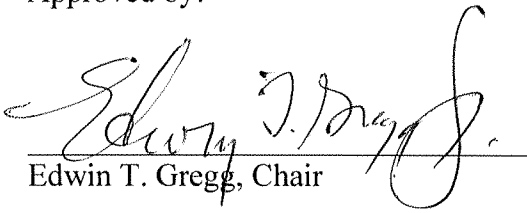
HPC only has authority of the view of the fence from the street. This notion is challenged by Mr. Weaver. Mr. Gregg finds the chapter in the Carroll County Zoning Code supporting Mr. Arthur's statement: "Prior to the construction, alteration, reconstruction, repair, moving, or demolition of any property in the HDO that would involve exterior changes which would affect the historic, archaeological, or architectural significance of such property, which is visible, or is intended to be visible, either wholly or partially, from a publicly maintained municipal, county, or state road or pathway, the person or entity proposing to make such change shall file with the HPC an application for permission to undertake the requested work and receive approval for the requested work from the Commission" [§158.095(G)1]. Mr. Gregg makes a motion to approve the fence if the applicant plants a shrub in front of the portion of the property that is visible from the street. Mr. Saunders seconds this and the motion carries unanimously. Based on the photo in Exhibit 1 only five to eight feet of the fence was visible front the street and the shrubs in the front would block the fence from the public. Therefore, the HPC would no longer have jurisdiction of this fence matter. Mr. Saunders brought up also having the applicant plant a shrub in front of the HVAC system that's visible from the road. This idea was not added to the motion because Mr. Gregg stated its not good to plant things in front of any HVAC system.

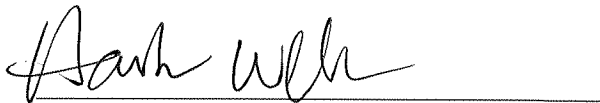
There being no further business and no further discussion, the meeting was adjourned at approximately 8:30 p.m. upon a motion by Mr. Saunders and seconded by Mr. Tomlinson and voted on unanimously.

The next meeting will be tentatively scheduled for November 9th, 2021.

Approved by:

Respectfully submitted:


Edwin T. Gregg, Chair


Hannah Weber, Comprehensive Planner
Department of Planning

12/15/21
Date