

Historic District Commission Demolition Guidelines

The purpose of the following document is to provide guidance for the demolition of structures within the Frostburg Historic District. As many structures within the Historic District are considered 'contributing structures', and since the total or partial demolition of a historic structure is a permanent action and is detrimental to the fabric of the Historic District, demolition is discouraged and will only be considered by the Historic District Commission as a last resort; however, requests to demolish historic structures will be carefully reviewed.

Demolition Application Procedure

1. Complete a Certificate of Appropriateness (COA) application, providing all required supplemental information.
2. Submit six (6) copies of supplemental information along with the application to Jamie Klink, City Planner.

Jamie Klink
jklink@frostburgcity.org
301-689-6000 ext. 105
37 Broadway
Frostburg, MD 21532

3. Once the COA application has been confirmed as complete by the City Planner, the application will be scheduled for discussion at the next Historic District Commission (HDC) meeting.
4. Applicant is required to attend the HDC meeting to discuss the project.

Required Supplemental Information for a Demolition Application

The following supplemental materials will be required for COA applications involving the full or partial demolition of a contributing structure within the Frostburg Historic District.

- a. Proof of ownership of the property
- b. Cost of the proposed demolition or removal
- c. Fair market value as determined by professional appraisal
- d. A report from an engineer licensed in the State of Maryland as to the structural soundness of the building and its feasibility for rehabilitation.
- e. An itemized breakdown from a professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure.
- f. Information pertaining to the purchase of the property, to include:
 - i. Amount paid for the property

- ii. Date of purchase
- iii. Party from whom it was purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.
- iv. Remaining balance on any mortgage or other financing secured by property and annual debt service, if any, for the previous two (2) years.
- g. Annual gross income from the property for the previous two (2) years, if the property is income producing; itemized operating and maintenance expenses for the past two (2) years.
- h. Price asked and offers received, if any, within the previous two (2) years.
- i. A list of alternatives (with costs involved, names of contractors and any bids submitted) that were considered and the reasons why the alternatives were rejected.
- j. Brief property history including a chain of title. Include building use over time, if known.

The HDC or City Planner may request additional information specific to the project.

HDC Review Criteria

The HDC will take into consideration the following criteria:

- a. All factors contained in the City of Frostburg Zoning Ordinance;
- b. If it is eligible for listing or listed in the National Register of Historic Places;
- c. Historic and/or cultural significance to the nation, county, or city;
- d. Any architectural and design significance and whether it represents features which are not duplicated elsewhere in the district;
- e. If the structure has character, interest, and value, contributing to the heritage of the City;
- f. If the structure reflects outstanding attention to detail, architectural design, materials or craftsmanship;
- g. If the structure demonstrates characteristics that make a recognizable entity in the district and whether the loss of this structure would have an adverse effect upon the greater surrounding streetscape;
- h. Whether the structure represents an established and familiar feature of the district due to factors such as its location or physical characteristics;
- i. Whether the structure provides certain historic or scenic value significant to the area.

Documentation Requirements for an Approved Demolition Application

The following information must be provided to the HDC staff by the applicant prior to demolition:

- a. A site plan drawn to scale showing the placement of the historic building(s) on the property.
- b. A series of digital photographs and 5" x 7" photographic prints on acid-free archival paper, depicting all elevations and angles of the property (front, rear, sides), as well as the historic building or structure in relation to adjacent buildings or structures. All prints must be labeled and numbered. The submitted photographs will be retained as a permanent visual record of the property.

Partial Demolition

The same procedures, supplemental application information, and review criteria as listed above will be used by the Commission in their review of partial demolitions, including the course of action for contributing versus non-contributing structures or original versus later additions that are proposed for removal.

Demolition by Neglect

Demolition by neglect shall mean any willful neglect in the maintenance and repair of an individually designated landmark, site or structure, or a site or structure within a designated preservation district, not including any appurtenance and environmental settings, that does not result from an owner's financial inability to maintain and repair such landmarks, sites, structures, and which results in any of the following conditions:

- a. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or
- b. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, windows, the lack of adequate waterproofing, or the deterioration of interior features which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors, or windows.

Demolition by Neglect Procedure

1. In the case of demolition by neglect, the HDC may request the Community Development department to notify, in writing, the property owner(s) of record, any person(s) having a right, title, or interest therein, and the occupants or other person(s) responsible for the

maintenance of the property, of the deterioration. The notice shall specify the minimum items of repair or maintenance necessary to correct or prevent further deterioration.

2. Prior to the issuance of a written notice, the HDC may request the Community Development department to establish a record of demolition by neglect. Such a record may include dated materials such as photographs and/or written reports of the condition of the property so as to record and/or measure the deterioration.
3. The notice shall provide that corrective action shall commence within thirty (30) days of receipt of said notice and be completed within a time defined by the HDC in consultation with the property owner. The notice shall state that the owner(s) of record of the property, or any person(s) of record with any right, title, or interest therein, may, within ten (10) days after the receipt of the said notice, request a hearing on the necessity of the items and conditions contained in said notice. In the event a public hearing is requested, it shall be held by the HDC upon thirty (30) day's written notice being mailed to all persons of record with any right, title or interest in the property and to all citizens and organizations which the HDC determines may have an interest in the proceedings.
4. If, after the public hearing, the HDC determines that the corrective actions remain necessary, the HDC may request the Community Development department to issue a Final Notice to be mailed to the owner(s) of record and all parties of record with any right, title or interest in the subject property, advising them of the items of repair and maintenance necessary to correct or prevent further deterioration. The owner(s) shall institute corrective action to comply with the Final Notice within thirty (30) days of receipt of the revised notice.
5. Upon failure, neglect, or refusal of the property owner(s) or other responsible person(s), duly notified, to take the corrective action(s) specified in the Final Notice, within the time allotted, the HDC may request the Community Development department institute any of the remedies and penalties provided by law for said violations.

Economic Hardship

In acting upon an application for a certificate of economic hardship, the HDC is required to determine whether the economic impact of the historic preservation law, as applied to the property owner, has risen to the level of economic hardship. An applicant seeking a COA may apply for a "Certificate of Economic Hardship" only after the HDC has denied the request to alter or demolish a historic property protected under the preservation ordinance. In support of

an application for relief on economic hardship grounds, the applicant must submit evidence sufficient to enable the HDC to render a decision. The burden of proof is on the applicant.

Economic hardship is defined as consistent with the legal standard for an unconstitutional regulatory taking, which requires a property owner to establish that they have been denied all reasonable beneficial use or return on the property because of the commission's denial of a permit for alteration or demolition.

Appeals

An applicant may appeal a decision from the Historic District Commission to the Board of Zoning Appeals on the sole grounds of alleged "hardship". Any other appeal of a decision from the Historic District Commission or any decision regarding "hardship" by the Board of Zoning Appeals may be appealed to the courts in the same manner as any other appeal of a decision by the Board of Zoning Appeals. Information pertaining to the Board of Zoning Appeals and the appeals process can be found in Section 1.18. of the Frostburg Zoning Ordinance.