

Architectural Design Guidelines

for the

Residential Historic Districts

Hagerstown, Maryland



The Historic District Commission of the City of Hagerstown, Maryland

Adopted February 23, 2010 and Amended May 25, 2010

Administrative Assistance:

In-kind repair and in-kind replacement of exterior features is considered ordinary maintenance and is, therefore, not subject to review. However, in order to ensure that your work is, in fact, “in-kind,” the Planning Office will offer to review applications for any ordinary maintenance projects. This review will provide property owners and project



managers with helpful insight, as well as confirm that replacement and repair projects are in-kind. This review process will safeguard the investment of property owners as well as ensure that the Historic Districts are preserved. Property owners who do not wish to avail themselves of

the Planning Office’s assistance in evaluating what constitutes “in kind” work may still proceed with in-kind repairs and replacements. However, the HDC does reserve the authority to require post-construction review of projects, which were intended to be in-kind, but were not completed as such. The HDC also reserves the authority to reject such work when inconsistent with these guidelines.



Projects denied by the HDC, post-construction, will require alteration; the additional expense of which will be incurred by the property owner. Therefore, it is highly recommended by the commission that property owners utilize the Planning Office’s assistance and confirm, **prior** to construction, whether work they contemplate is, in fact, in-kind.

Demolition:

New construction or demolition is never routine and always requires the appropriate review process. Since the total or partial demolition of an historic structure is a permanent and disadvantageous action to the historical fabric of the districts, the commission will consider demolition as a last resort. It is recommended that all other alternatives and methods of rehabilitation be exhausted before requesting to demolish your historic structure.

Demolition - Once demolished, a historic resource can never be recovered. Separate and more stringent standards apply when requesting demolition of a building or structure that contributes to the character of the historic district. For more information on the demolition process, please contact the Planning Office.

Appeals – Applicants who are unhappy with a decision made by the Commission may appeal that decision to the Circuit Court for Washington County. In an appeal, the Court will review the Commission’s actions and determine whether they were defensible within its authority enabled through State Code and as cited in the City’s Zoning Ordinance, and the Guidelines that it uses to guide its decisions. Pursuant to Maryland Law, the court will not substitute its personal opinion on whether a change to a property is appropriate and should or should not be permitted. The judge will evaluate the appeal solely on the basis of whether the Commission had the authority to render the opinion, and whether its decision was “fairly debatable” based on the materials presented on the record at the meeting.

Approval Rate – Most cases are approved by the Commission without amendment. The vast majority are approved either as submitted or with amendments made by the applicant to address concerns raised by the Commission. Very few applications are rejected by the Commission.

Enforcement – Violations of the historic preservation elements of the Zoning Ordinance are enforced as a zoning violation by the Planning Office. Typical violations of the Ordinance include performing work subject to HDC review without first obtaining approval and performing work that is different than that approved by the Commission.

The Planning Office first contacts the owner or occupant to notify them of the violation in the hopes of resolving the problem without enforcement action. Should the initial contact not resolve the problem, the owner and the occupant (if different than the owner) will be issued a violation notice, officially informing them of the violation, and the need to correct the problem within a prescribed amount of time, or proactive enforcement action will be taken. Such action could include issuing a civil citation for violation of City Ordinances, which carries a fine of up to \$500 per day for each day the violation continues, and may include the City seeking an injunction in the courts to compel compliance. It is the Planning Office’s desire, however, to achieve compliance with the least amount of enforcement action possible. Once demolished, a resource can never be restored. Therefore, intentional demolition of a structure subject to HDC review without the requisite approvals is a misdemeanor offense as stated in Article II of the City Code.

Please note that the Commission is charged with review proposals based on compliance with applicable design and preservation standards. The Commission does not take into account the existing nature of improvements when applicants seek retro-active approvals for work they completed without HDC approval. Therefore, if the applicant fails to obtain HDC approval of the work, they may be required to remove or alter those improvements in order to comply with the Ordinance. Therefore, it is very important for all owners to secure the required reviews and approvals *before* beginning work.