

O-34-17

Approvals of Exterior Changes in the Historic District

Staff Report

The purpose of this legislation is to clarify the scope of factors the Historic Preservation Commission may consider in reviewing applications for exterior changes to buildings in the Historic District of Annapolis.

This legislation stems from the May 10, 2017, District Court Opinion issued by The Hon. John P. McKenna, Jr., the Judge who presided over the trial of a municipal infraction citation issued to the owners of 51-53 West St, Gavin Buckley and Jody Danek, for the unpermitted mural painting on said property.

Judge McKenna ruled in favor of the City of Annapolis on all outstanding defenses raised during trial. In his opinion, however, he wrote that there was one part of Chapter 21.56 (historic preservation laws) that he deemed unconstitutional, Section 21.56.060A. That section of the City Code establishes the review criteria that the Historic Preservation Commission must follow in considering applications for a certificate of approval to perform work on the exterior of structures in the historic district. After reciting specific factors, Section 21.56.060A states that the Commission may also consider “any other factors . . . which the Commission deems to be pertinent.” This legislation will amend Section 21.56.060A to limit the scope of the Commission’s consideration to “any other *relevant and probative* factors.”

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