#### ARCHITECTURAL REVIEW BOARD AGENDA May 7, 2014 – 3:00 P.M. Pre-Council Chambers, Mobile Government Plaza, 205 Government Street

## A. CALL TO ORDER

- 1. Roll Call
- 2. Approval of Minutes
- 3. Approval of Mid Month COAs Granted by Staff

## **B. MID MONTH APPROVALS**

#### 1. Applicant: David McConnell

- a. Property Address: 150 Government Street
- b. Date of Approval: 4/9/14
- c. Project: Install cast iron cages around the building's air-conditioning units (to match existing on building).

## 2. Applicant: David McConnell

- a. Property Address: 1565 Dauphin Street
- b. Date of Approval: 4/9/14

c. Project: Install interior lot fencing. The fencing, which will be recessed behind the front plane of the main house, will be made of either aluminum or cast iron. The fencing height and design meets the standards outlined in the Design Review Guidelines for Mobile's Historic Districts. The fencing will feature one vehicular and two pedestrian gates.

#### 3. Applicant: Steve Cooner

- a. Property Address: 1709 Hunter Avenue
- b. Date of Approval: 4/10/14
- c. Project: Reroof flat roof with modified bitumen white in color. Not visible from street.

#### 4. Applicant: Joe and Donna Camp

- a. Property Address: 962 Augusta Street
- b. Date of Approval: 4/14/14

c. Project: Repaint the building per the submitted Behr color scheme. The body will be Creamy White. The remaining colors will remain the same. When and where necessary, repair/replace deteriorated woodwork to match the existing in profile, dimension, and material.

#### 5. Applicant: Gary Lee

- a. Property Address: 261 South Ann Street
- b. Date of Approval: 4/17/14

c. Project: Repair and when necessary replace deteriorated woodwork to match the existing in profile, dimension, and material on both the main house and garage. Repaint per the existing color scheme. Repair roofing to match the existing.

## 6. Applicant: City of Mobile

- a. Property Address: 751 Government Street
- b. Date of Approval: 4/16/14
- c. Project: Construct a handicap access ramp accessing the rear porch (per submitted plans).

# 7. Applicant: Goodwyn, Mills & Cawood for the RSA

- a. Property Address: 26 North Royal Street
- b. Date of Approval: 4/18/14
- c. Project: Slightly reconfigure the existing U-shaped drive accessing the RSA Tower's south-facing vehicular drive.

## 8. Applicant: Kimberley Hargrove

- a. Property Address: 105 Ryan Avenue
- b. Date of Approval: 4/17/14
- c. Project: Remove asbestos roof, reroof with Timberline charcoal gray.

## 9. Applicant: Michael and Kelly Smith

- a. Property Address: 1658 Laurel
- b. Date of Approval: 4/18/14

c. Project: Paint the house in one of the two Benjamin Moore color schemes or equivalent: Body: Hampshire Taupe (990) or Lambskin (OC-3) Trim: Wolf gray (21727-40) or Hillsborough beige (1033)Accent: Montana agate (056) or Sparrow (AF-720)

### 10. Applicant: Mark Jackson

- a. Property Address: 558 Dauphin Street
- b. Date of Approval: 4/1/14

c. Project: Reroof the building with a flat rolled top metal roof to match the existing.

## **11. Applicant:** Barbara Turley

- a. Property Address: 1062 Church Street
- b. Date of Approval: 4/21/14
- c. Project: Paint column brackets and post turns to match fishscales in gable. Repaint rest of house per existing.

## **12. Applicant:** Tara Potts

- a. Property Address: 456 Dexter Avenue
- b. Date of Approval: 4/23/14
- c. Project: Repair and when necessary replace siding to match the existing as per profile and dimension. Repair/replace porch decking to match the existing in material and construction. Touch the paint per the existing color scheme.

# 13. Applicant: Dennis Langan Construction

- a. Property Address: 300 West Street
- b. Date of Approval: 4/23/14

c. Project: Remove asbestos roofing shingles from the dwelling and reroof with dimensional asphalt shingles.

#### **14. Applicant: Dannae Howe**

- a. Property Address: 250 Rapier Avenue
- b. Date of Approval: 4/23/14

c. Project: Repaint the building per the submitted Sherwin-Williams color scheme: the body will be Camelback; the trim will remain the same (white); and the accent colors will be black. Reinstall shutters. Painting said shutters black.

#### 15. Applicant: Redd Roofing

- a. Property Address: 66 South Royal Street
- b. Date of Approval: 4/23/14
- c. Project: Repair roofing to match the existing.

# **16. Applicant:** Robin Strickland

- a. Property Address: 303 South Ann Street
- b. Date of Approval: 4/28/14

c. Project: Replace a six foot tall rear lot line privacy fence to match the existing as per height, location, and materials. Extend a picket fence that encloses the front lawn. The design of the extension (gothic picket) will match the existing. Repair/reconstruct an interior lot lattice/picket fence to match the existing. Repair and when necessary replaced deteriorate woodwork to match the existing as per profile, dimension, and material (including decking to match, tongue-and-groove). Repair deteriorated windows to match the existing as per light pattern, construction, and material. Remove a later concrete walkway accessing the front

porch and install brick pavers in the location of the aforementioned concrete paving. Make repairs to the front porch's concrete steps. Install pavers and/or gravel in the driveway. Install an overhang over the rear entrance.

# 17. Applicant: Charles Storrs

- a. Property Address: 115 Providence Street
- b. Date of Approval: 4/25/14

c. Project: Install a six foot dog eared privacy fence on the rear of the property 25 plus feet from the Catherine Street right of way. The fence will run 50.8 feet connecting the existing side yard fences.

# **18. Applicant:** Restore Mobile

- a. Property Address: 456 Chatham Street
- b. Date of Approval: 4/28/14

c. Project: Repaint the building per the submitted BLP color scheme: Theatre Street Gold (body); Fort Morgan Sand (trim); and Old Dauphin Way Gold (accent). When necessary, woodwork will be replaced to match the existing as per profile, dimension, and material.

# C. APPLICATIONS

## 1. 2014-CA-17: 206 Levert Avenue

- a. Applicant: Robert V. McCown for John and Jessica Mostellar
- b. Project: Ancillary Related Demolish a garage and construct a new garage.

# 2. 2014-CA-18: 460 Chatham Street

- a. Applicant: George Swann on behalf of Restore Mobile
- b. Project: Relocation Remove for reconstruction the rear portion of a residential

# building.

# 3. 2014-CA-19: 1008 Texas Street

- a. Applicant: George Swann on behalf of Restore Mobile
- b. Project: Relocation Relocate a residential building onto a vacant lot.

# 4. 2014-CA-20: 1015 Old Shell Road

- a. Applicant: Claire Miller
- b. Project: Fenestration Replace doors.

# D. **OTHER BUSINESS**

1. Discussion

2014-17-CA:206 Levert AvenueApplicant:Robert V. McCown for John T. and Jessica MostellarReceived:4/16/14Meeting:5/7/14

## **INTRODUCTION TO THE APPLICATION**

Historic District:	Ashland Place
Classification:	Non-Contributing
Zoning:	R-1
Project:	Ancillary Related – Demolish a garage and construct a new garage.

## **BUILDING HISTORY**

This house dates from 1925. The dwelling was extensively remodeled in 1986.

#### **STANDARD OF REVIEW**

Section 9 of the Preservation Ordinance states "the Board shall not approve any application proposing a Material Change in Appearance unless it finds the change…will not materially impair the architectural or historic value of the building, the buildings on adjacent sites or in the immediate vicinity, or the general visual character of the district…"

#### **STAFF REPORT**

- A. This property last appeared before the Architectural Review Board on December 4, 2013. At that time, the Board approved a submission entailing the construction of a front porch, the construction of a rear porch, and the alteration of dormers. With this proposal, the applicants submit designs calling for the demolition of an ancillary building and construction of a new ancillary structure atop the same location.
- B. The Design Review Guidelines for Mobile's Historic Districts state, in pertinent part:
  - 1. "An ancillary structure is any construction other than the main building on the property. It includes but is not limited to garages, carports, pergolas, decks, pool covers, sheds and the like. The appropriateness of ancillary construction shall be measured by the Guidelines applicable to new construction. The structure should complement the design and scale of the main building."

#### C. Scope of Work (per submitted plans):

- 1. Demolish the garage.
- 2. Construct a new garage.
  - a. The garage will occupy the footprint of the existing garage.
  - b. The garage will measure 32' 4" in width and 26' in depth.
  - c. The garage will rest atop a concrete slab.
  - d. The garage will be faced with wooden siding matching that found the main house as per profile, dimension, and material.
  - e. The garage will feature six-over-six wooden windows and multi-light glazed &paneled wooden doors.

- f. A gable-on-hip roof will surmount the garage mimicking that found on the main house.
- g. The roofing shingles will match those found on the main house.
- h. The five bay West Elevation (facing the Rear Elevation of the House) will feature two glazed and paneled doors and three six-over-six windows.
- i. Two paved walkways, one extending along the side of the building and a second extending between the garage and the rear porch, will be located off the West Elevation.
- j. A gabled dormer located on the West Elevation will feature three six-light windows.
- k. The South Elevation will feature a paneled and glazed roll up garage door.
- 1. A new drive will be located on the site of the existing garage.
- m. The South Elevation's gable will feature two six-light windows.
- n. The East (Rear, Alley-facing) Elevation will not feature fenestration (neither does the existing).
- o. The North Elevation will not feature fenestration (neither does the existing).

## **STAFF ANALYSIS**

This application involves the demolition of a garage and the construction of a new garage. The existing garage is not visible from the public view. Located off an alley dividing the block, the garage is made of wood and concrete block. The garage does not accommodate present day vehicles.

When reviewing applications calling for the demolition of ancillary buildings, the Board takes into the following concerns: the architectural significance of the building; the condition of the building; the impact the demolition will have on the streetscape; and the nature of any proposed redevelopment. With regard to architectural significance of the building, the building is an ancillary building located to rear of a non-contributing (historically) residence. Of the four elevations, only the West Elevation survives largely intact. The remaining elevations have been altered as per wall facings and fenestration. The building possesses structural failures and deteriorated cosmetic components and facings. As previously stated the building is not visible from street which the inner lot house faces (Levert Avenue). A new garage occupying the footprint of the existing garage would be constructed on the site.

The Design Review Guidelines for Mobile's Historic Districts state that ancillary construction should complement the design and scale of the main building (See B-1). This property's principle building, a 1925 residence that was extensively remodeled in the 1980s, was approved for extensive renovations on December 4, 2013. As cited in the opening of the Staff Report, the scope of work included the construction of a front porch, the alteration of dormers, and the construction of a rear porch. The design of the aforementioned alterations was aimed at recapturing the 1920s character of the house. The proposed ancillary building, a two-car garage, would occupy the footprint of and take designs inspiration (in terms of overall form) from the existing garage. The rectangular building would be surmounted by a gable-on-hip roof like the existing, but feature a gable dormer and fenestration. The latter would face and complement the approved rear porch in terms of its design and proportions. The windows, doors, and siding match those found on or approved for the main house.

#### STAFF RECOMMENDATION

Based on B (1), Staff, Staff does not believe this application will impair the architectural or the historical character of the historic district. Staff recommends approval of this application.

2014-17-CA:460 Chatham StreetApplicant:George Swann for Restore MobileReceived:4/15/14Meeting:5/7/14

## **INTRODUCTION TO THE APPLICATION**

Historic District:	Oakleigh Garden
Classification:	Contributing
Zoning:	R-1
Project:	Relocation – Remove for reconstruction the rear portion of a residential building.

#### **BUILDING HISTORY**

This property is comprised of two separate houses that were joined at an early date. A hyphen connects the two distinct sections of the larger house. The rear gabled roof portion of the house is the older of the two parts. The larger eastern portion (Chatham Street facing) portion was constructed slightly later than the rear portion of the house. Both parts of the dwelling date from the last third of the 19<sup>th</sup> Century.

## STANDARD OF REVIEW

Section 9 of the Preservation Ordinance states "the Board shall not approve any application proposing a Material Change in Appearance unless it finds the change…will not materially impair the architectural or historic value of the building, the buildings on adjacent sites or in the immediate vicinity, or the general visual character of the district…"

# STAFF REPORT

- A. This property has never appeared before the Architectural Review Board. In this application (the first of two aimed at revitalizing the property), Restore Mobile proposes the relocation of the rear of the properties two conjoined houses.
- B. The Design Review Guidelines for Mobile's Historic Districts state, in pertinent part:
  - 1. "The exterior material of a building helps define its style."
  - 2. "Often one of the most important decorative features of a house, doorways reflect the age and style of a building."
  - 3. "The type, size, and dividing lights of windows and their location and configuration (rhythm) on the building help establish the historic character of the building."
  - 4. Roofing "materials should be appropriate to the form and pitch and color."
  - 5. "The porch is an important regional characteristic of Mobile architecture. Historic porches should be maintained and repaired to reflect their period. Particular attention should be paid to handrails, lower rails, balusters, decking, posts/columns, proportions, and other decorative details."
- C. Scope of Work:
  - 1. Remove for reconstruction the rear portion of a residential building.
  - 2. Reconfigure the house's Rear (West Elevation) as follows.
    - a. Construct a new rear wall.

- b. The wall will be faced with wooden siding matching that employed on the East (façade) and North Elevations as per profile, dimension, and material.
- c. Continue the house fascia/frieze, and boxed eave around along the Rear Elevation.
- d. The roofing shingles will match those found elsewhere on the main house.
- e. Install fenestration on the new Rear Elevation.
  - i. A centrally located four paneled wooden door will be flanked by sixover-six wooden windows.
  - ii. Both the doors and the windows will be surrounded by wooden casings matching those employed on the house's windows.
- 3. Remove later siding on the house's South Elevation. Install wooden siding matching the original siding found on the East and North Elevations with regard to profile, dimension, and material.
- 4. Make alterations to previously altered porch posts.

## STAFF ANALYSIS

This application is the first of two involving the removal of the house's rear gable-roofed portion and the construction of a new Rear Elevation. The application also involves the reversal of later alterations to house's siding and porch posts.

Moving buildings, especially frame buildings, constitutes a documented method saving human energy and historic resources. Structures were floated down the Mobile River from Fort Louis when the settlement was moved to present downtown Mobile. As early as 1817, fully fabricated buildings were shipped to Mobile from New York. The practice of moving buildings is therefore not of recent invention. For both practical and preservation related buildings, numerous historic buildings have been relocated in Mobile. Instances of the former include – Charles Street Prominent examples include the following: the Toulmin House (from Toulminville to the campus of the University of South Alabama), Marx House (from Church Street to the campus of the University of South Alabama), Seaman's Bethel (from Church Street), Durand Houses (from Conti to Saint Emanuel Streets), Gee House (from Monroe to Saint Anthony Streets), - House (from Conti to Augusta Streets), and the Bates House (Toulminville to Palmetto Street). Most recently, the Oakleigh Venture Revolving fund relocated three houses from the site of the Diagnostic Medicine Center on Spring Hill to lot Nos. 1058, 1062, and 1066 Church Street.

The experience of the historic character of a property is due in large to the dialogue between a building and its site. Location and construction (place and building) are inextricably bound. The subject building is one of two parts of a larger residence. While the rear portion of the building proposed for removal is the older of the buildings two parts, it is the smaller and rear-oriented portion of the building. Visible from Texas Street, a side street, the principle façade facing Chatham Street would remain unchanged. Commonly cited criteria involved in relocating a building include, but are not limited the following: a means of saving the building; documenting the building; and selecting a site. The size of the two buildings in separated form would afford better opportunity of not only saving the buildings, but also revitalizing the surrounding district. The building has been thoroughly photographed and measured. The historical record will be added to pertinent MHDC property files thus becoming part of the certified and historical records. The nearby location features buildings of similar style, period, and typology.

The exposed new Rear (West) Elevation would be faced in materials (wooden siding), fenestrated units (windows), detailing (casings, cornices, eaves), and roofing surfaces (shingles), matching those found elsewhere on the building and are in keeping with historic integrity of the structure's period and style (See B 1-4). The materials are in compliance with Design Review Guidelines for Mobiles Historic Districts. The treatment of the Rear Elevation's entrance, a porch will be reviewed at a later date. Restore Mobile

will examine the structure of the original rear elevation and assess the plan of the rear portion of the house.

With regard to reversal of later alterations, both front porch's posts and the South Elevation's siding have been altered. In accord with Design Review Guidelines, which state that exterior materials help define a building's style, later siding will be removed and replaced with siding matching the original as per profile, dimension, and material (See B-1.). Particular attention will be paid to the porch posts which will repaired/replaced with wooden posts characteristic of the period and style of the house (See B-5).

# CLARIFICATIONS

1. Clarify how the porch posts will be treated.

# STAFF RECOMMENDATION

Based on B (1-4) and taking into account the site conditions, Staff does not believe this application will impair the architectural or the historical of the buildings or the district. Pending clarification as to the exact treatment of the porch posts, Staff recommends approval of this application.

\*On account of his involvement with Restore Mobile, Devereaux Bemis was not involved in the review of this application.

2014-18-CA:1008 Texas StreetApplicant:George Swann on behalf of Restore MobileReceived:4/15/14Meeting:5/7/14

## **INTRODUCTION TO THE APPLICATION**

Historic District:	Oakleigh Garden
Classification:	Contributing
Zoning:	R-1
Project:	Relocation – Relocate a residential building onto a vacant lot.

## **BUILDING HISTORY**

According the 1904 Sanborn Maps, a single-story, shotgun with wing occupied this vacant lot.

#### **STANDARD OF REVIEW**

Section 9 of the Preservation Ordinance states "the Board shall not approve any application proposing a Material Change in Appearance unless it finds the change...will not materially impair the architectural or historic value of the building, the buildings on adjacent sites or in the immediate vicinity, or the general visual character of the district..."

# **STAFF REPORT**

- A. This property has never appeared before the Architectural Review Board. The Restore Mobile Revolving Fund proposed the relocation of the rear portion of 460 Texas Street (See the preceding application in this agenda.) to the site.
- B. The New Construction Guidelines for Mobile's Historic state, in pertinent part:
  - 1. "The goal of new construction should be to blend into the historic district, but to avoid creating a false sense of history. . .
  - 2. With regard to placement and scale "Placement has two components: setback, the distance between the street and a building; and spacing, the distance between its property lines adjacent structures. New construction should be placed on the lot so that setback and spacing approximate those of nearby historic buildings, maintaining a visual line created by the fronts of buildings along a street. An inappropriate setback disrupts the façade line and diminishes the visual character of the streetscape. Current setback requirements of the City of Mobile Zoning Ordinance may not allow the majority of existing buildings. If the traditional façade line or "average" setback is considerably less than allowed under the Zoning Ordinance, the Review Board will support an application from the Board of Adjustment to allow for new construction closer to the street and more in character with the surrounding buildings."
  - 3. With regard to mass "Building mass is established by the arrangement and proportion of its basic geometric components the main building, wings, porches, the roof and the foundation. Similarity of massing helps to create a rhythm along a street, which is one of

the appealing aspects of the historic districts. Therefore, new construction should reference the massing of forms of nearby historic districts."

- 4. The foundation, the platform upon which a building rests, is a massing component of a building. Since diminished foundation proportions have a negative effect on the massing and visual character, new buildings should have foundation heights similar in height to those of nearby historic buildings. In most residential areas, buildings are usually elevated above a crawl space on a pier foundation. Pier foundations are encouraged for new residential construction. When slab foundations are constructed, it is important that the height of the foundations relate to that of nearby historic buildings. For this reason, slab-on-grade foundations are not allowed for single family residences. For multi-family, where slab-on-grade is most practical, other design elements such as water tables and exaggerated bases can be effective in creating the visual appearance of a foundation"
- C. Scope of Work (Per Submitted Plans):
  - 1. Relocation Relocate a residential building onto a vacant lot.
    - a. The 32' x 24' house building will be located 22' from the property inner edge of the sidewalk. 7' of the aforementioned setback will allow for the construction of a front porch.
    - b. The building will be located 12' from the West lot line and 6 feet from the Eastern lot line.
    - c. Handmade bricks salvaged from the original previous original foundation piers will be used to face the house's new foundation piers.
  - 2. Make repairs to an existing curbcut located to the west of the relocated house.

## STAFF ANALYSIS

This application is the first of two addressing the relocation and rehabilitation of the rear portion of a house located at 460 Chatham Street to the subject lot. In this application, the Restore Mobile seeks approval of the relocation of the building. An ensuing application will address the building's façade (the reconstruction of façade, the location & appearance of fenestration on the façade, the construction of a rear addition, etc...). As the building is proposed for relocation, the Design Review Guidelines for New Residential Construction are being employed for review.

The goal of new or infill construction within a historic district is to blend with the historic character of the exiting environment. As mentioned in the preceding application, moving buildings, the most invasive means of saving a structure, has been employed as means of saving buildings for both practical and historical reasons. Historical documentation of the earlier location records for posterity negates to some degree the creation of false sense of history (See B-1). Most importantly a building is saved. Nearby residential buildings of the same style, period, construction, and materials can be found in the immediate environs.

With regard to placement, infill construction/relocation should take into account placement and scale. Placement has two components: setback, the distance between the street and a building; and spacing, the distance between its property lines adjacent structures (See B-2). The positioning of the house takes into the façade line of historic adjacent buildings as well as the distance between historic buildings.

Building mass, which is established by the arrangement and proportion of its basic geometric components (the main building, wings, porches, the roof and the foundation), helps to create a rhythm along a street, which is one of the appealing aspects of the historic districts (See B-3.). The massing of the building's parts references nearby historic examples.

Since diminished foundation proportions have a negative effect on the massing and visual character, newly constructed and/or relocated buildings should have foundation heights similar in height to those of nearby historic buildings (See B-4.). The building will be elevated atop appropriated tall foundation piers faced with bricks salvaged from existing location.

The façade's fenestration and porch detailing will be addressed in later application. The application submitted for review provides the setback (from Texas Street) and depth of the porch. As mentioned above, the setback references adjacent and historic setbacks. Imagery submitted in the application shows a porch at nearby 500 Charles Street. The form, detailing, and roof type of the porch located at 500 Chatham Street serves as appropriate model for the porch to be constructed at 1008 Texas Street for reasons of style, period, proportions, and material. Façade renderings are deferred to another application. Restore Mobile wants their contractor and designer to examine the structure for constructional evidence and other "ghost marks" that indicate the original placement of fenestration and detailing. Previously exposed framing indicates that the rear elevation and likely the façade featured five fenestrated units. The location and configuration of fenestration and porch bays will work in concern.

## STAFF RECOMMENDATION

Based on B (1-4), Staff does not believe this application will impair the architectural or the historical character of the building. Staff recommends approval of this application.

\*On account of his involvement with Restore Mobile, Devereaux Bemis was not involved in the review of this application.

2014-20-CA:1015 Old Shell RoadApplicant:Claire MillerReceived:4/10/14Meeting:5/7/14

# **INTRODUCTION TO THE APPLICATION**

Historic District:	Old Dauphin Way
Classification:	Contributing
Zoning:	R-1
Project:	Fenestration – Replace doors.

#### **BUILDING HISTORY**

This three bay cottage featuring centrally positioned pedimented entry stoop dates from the 1870s.

#### **STANDARD OF REVIEW**

Section 9 of the Preservation Ordinance states "the Board shall not approve any application proposing a Material Change in Appearance unless it finds the change...will not materially impair the architectural or historic value of the building, the buildings on adjacent sites or in the immediate vicinity, or the general visual character of the district..."

#### **STAFF REPORT**

- A. This property last appeared before the Architectural Review Board on July 21, 2010. At that time, the Board approved the demolition of a later rear addition and the construction of new rear addition.
- B. The Design Review Guidelines for Mobile's Historic Districts state, in pertinent part:
  - 1. "Often one of the most important decorative features of a house, doorways reflect the age and style of a building. Original doors and openings should be retained along with any moldings, transoms, or sidelights. Replacements should respect the age and style of the building."
- C. Scope of Work (Per Submitted Plans):
  - 1. Remove later French doors accessing the West Elevations decked courtyard.
  - 2. Install replacement doors.
    - a. The light pattern will match the existing.
    - b. The doors will be fiberglass in material and employ simulated divided light openings.

#### STAFF ANALYSIS

This application involves the replacement of later French doors. While the Design Review Guidelines for Mobile's Historic Districts state that original doors and openings should be retained, the subject doors are not original. Neither the Design Review Guidelines nor the New Construction Guidelines list fiberglass as in appropriate replacement material for non original units. Located off of an uncovered deck, the doors are exposed directly to the elements.

# STAFF RECOMMENDATION

Taking into account the non original nature and location of the doors, Staff does not believe the installation of the fiberglass doors will impair the architectural or the historical character of the building or the district. Pending discussion of the construction of the window lights and finish treatment of the door surfaces, Staff recommends approval of this application.

\*On account of his involvement with Restore Mobile, Devereaux Bemis was not involved in the review of this application.