

**ARCHITECTURAL REVIEW BOARD MINUTES**  
**January 21, 2015 – 3:00 P.M.**  
**Pre-Council Chambers, Mobile Government Plaza, 205 Government Street**

**A. CALL TO ORDER**

1. The Chair, Harris Oswalt, I, called the meeting to order at 3:00. Cart Blackwell, MHDC Staff, called the roll as follows:  
**Members Present:** Bob Allen, David Barr, Robert Brown, Catarina Echols, Kim Harden, Nick Holmes, III, Steve Stone,  
**Members Absent:** Carolyn Hasser, Bradford Ladd, Craig Roberts, and Jim Wagoner.  
**Staff Members Present:** Cartledge Blackwell.
2. Robert Brown moved to approve the minutes for the January 7, 2015 meeting. The motion received a second and was unanimously approval.
3. Steve Stone moved to approve midmonth COA's granted by Staff. The motion received a second and was unanimously approval. The motion received a second and was unanimously approval.

**B. MID MONTH APPROVALS:      APPROVED**

1. **Applicant:      Wrico Signs for Alabama Media Group**
  - a. Property Address:    54 Saint Emanuel Street
  - b. Date of Approval:    12/22/14
  - c. Project:            Install a blade sign. The cantilevered sign will measure 5' by 1.5' in dimension. The aluminum sign will not feature illumination and will be installed reflecting the height requirements for the passerby.
2. **Applicant:      NAI Mobile**
  - a. Property Address:    54 Saint Emanuel Street
  - b. Date of Approval:    12/23/14
  - c. Project:            Install a window sign advertising one of the occupying tenants. The sign, one which will be affixed to the inner face of the glass, will measure 6" x 40" in dimension.
3. **Applicant:      Joe Tarver Construction**
  - a. Property Address:    204 Lanier Avenue
  - b. Date of Approval:    12/22/14
  - c. Project:            Repair termite damage to siding, roof and structure. All repairs to match existing in profile, dimension and materials. Paint the repairs/building to match the current paint scheme.
4. **Applicant:      R & J Home Repair**
  - a. Property Address:    205 Church Street
  - b. Date of Approval:    12/19/14
  - c. Project:            Repair and replace deteriorated woodwork to match the existing as per profile, dimension, and material. When and where necessary repair/replace windows to match the existing in all respects. Repair stucco to match. Repaint pertinent locations.
5. **Applicant:      Z & S Partnership**
  - a. Property Address:    1101 Dauphin Street
  - b. Date of Approval:    12/17/14
  - c. Project:            Replace wood on flat roof, not visible from street
6. **Applicant:      Frank A. Reusser**
  - a. Property Address:    124 Macy Place
  - b. Date of Approval:    12/29/14

- c. Project: Repair roof decking to match the existing bead board in profile and dimensions. Paint the repair.
7. **Applicant: Goodwyn, Mills & Cawood**
- a. Property Address: 101 Dauphin Street
  - b. Date of Approval: 12/21/14
  - c. Project: Renewal of and expired CoA dating from September 18, 2013 calling for the removal and replacement of signage.
8. **Applicant: Alver Carlson**
- a. Property Address: 1653 Dauphin Street
  - b. Date of Approval: 12/2/15
  - c. Project: Paint house, body Hotel Street St Francis, the trim and accents Flaming Torch, shutters brown, columns and balustrade white. Repair/replace deteriorated woodwork to match existing in material, profile and dimension. Reroof to match the existing. Remove fretwork added in the 1980s.
9. **Applicant: Demetrius Callier**
- a. Property Address: 355 McDonald Avenue
  - b. Date of Approval: 1/5/15
  - c. Project: Repair deteriorated woodwork to match the existing as per profile, dimension, and material. Touch up the paint per the existing color scheme.
10. **Applicant: R and A Roofing**
- a. Property Address: 1309 Chamberlain Avenue
  - b. Date of Approval: 1/5/15
  - c. Project: Reroof the house with asphalt shingles.
11. **Applicant: Melanie Bunting**
- a. Property Address: 204 Tuttle
  - b. Date of Approval: 1/7/15
  - c. Project: Repaint the house per a previously approved color scheme. Repair and when necessary replace deteriorated woodwork to match the existing as per profile, dimension, and material.
12. **Applicant: Sondra Dempsey**
- a. Property Address: 261 North Jackson Street
  - b. Date of Approval: 1/7/15
  - c. Project: Repair deteriorated woodwork to match the existing as per profile, dimension, and material. Touch up the paint per the existing color scheme.
13. **Applicant: Ty and Johannah Bullard**
- a. Property Address: 104 South Georgia Avenue
  - b. Date of Approval: 1/8/15
  - c. Project: Remove rotting siding. Install siding matching that found of the rest of the dwelling.
14. **Applicant: Habitat for Humanity**
- a. Property Address: 1706 Church Street
  - b. Date of Approval: 1/8/15
  - c. Project: Repair deteriorated woodwork (when and where necessary) to match the existing as per profile, dimension, and material. Touch up the paint per the existing color scheme.
15. **Applicant: Vaughan Drinkard**
- a. Property Address: 1066/1070 Government Street
  - b. Date of Approval: 1/8/15
  - c. Project: Extend an existing interior lot metal picketed fence in easternly direction across the side yard.
16. **Applicant: Melissa Glazner**

- a. Property Address: 1658 Dauphin Street
- b. Date of Approval: 1/13/15
- c. Project: Remove eight fencing in the side and rear lots. Install six foot tall wooden fencing and several sections of six foot tall aluminum fencing.

#### C. APPLICATIONS

1. **2015-04-CA: 1407 Government Street**

- a. Applicant: Margaret Langdon Hamilton for Palmer C. Hamilton
- b. Project: Site Improvements – Reinstall a circle drive and replicate fencing.

**APPROVED AS AMENDED. CERTIFIED RECORD ATTACHED.**

2. **2015-05-CA: 359 Church Street**

- a. Applicant: Malaga Inn
- b. Project: Signage – Remove a pole sign and construct a monument sign.

**PENDING ISSUE OF A VARIANCE, APPROVED AS AMENDED. CERTIFIED RECORD ATTACHED.**

3. **2015-06-CA: 62 Etheridge Street**

- a. Applicant: Fairn Whatley
- b. Project: Demolition and Site Redevelopment – Demolish a fire-damaged dwelling, install fencing, and create a garden.

**APPROVED. CERTIFIED RECORD ATTACHED.**

#### D. OTHER BUSINESS

- 1. Discussion

**APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS**  
**CERTIFIED RECORD**

**2015-04-CA:** 1407 Government Street  
**Applicant:** Margaret Langdon Hamilton for Mr. Palmer C. Hamilton  
**Received:** 1/5/15  
**Meeting:** 1/21/15

**INTRODUCTION TO THE APPLICATION**

Historic District: Leinkauf  
Classification: Contributing  
Zoning: R-1  
Project: Site Improvements – Reinstall a circular drive and replicate fencing.

**BUILDING HISTORY**

This house dates circa 1846. The residence is the oldest extant building on Government Street. Built for Alexander Auld, a local merchant, the house is a fine example of Coastal or Gulf Coast Cottage. Acquired by Thomas and Martha Price in 1872, the dwelling remains in the hands of Price's descendants. Among the noted residents who called 1407 Government Street home was the late Palmer Pillans, a respected member of the legal profession and author of highly important memoirs.

**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 May 20, 1996. At that time, the Board approved minor alterations to the house's rear porch. After over a decade of commercial use, the owners have returned the building to residential use. The proposed scope of work calls for the reinstallation of a circular drive and the replication of fencing. Part of comprehensive plan embracing the whole of the property, the proposed drive and fencing are part of larger revitalization plan embracing the restoration of the house and the improvement of the grounds.
- B. The Design Review Guidelines for Mobile's Historic Districts state, in pertinent part:
  - 1. With regard to drives "landscaping can often assist in creating an appropriate setting."
  - 2. "The appearance of parking areas should be minimized through good site planning and design. New materials such as grasspave or grasscrete, which provide a solid parking surface while still allowing grass to grow giving the appearance of a continuance of a front lawn, may be a feasible alternative."
  - 3. "Parking areas should be screened from view by the use of low masonry walls, wood or iron fences or landscaping. Circular drives and parking pads in front yards are generally inappropriate in the historic districts."

4. Fencing “should complement the building and not detract from it. Design, scale, placement, and materials should be considered along with their location to the historic district.”
- C. Scope of Work (per submitted plan and materials):
1. Remove a pedestrian curb cut.
  2. Install a new brick curb cut.
  3. Repair the concrete sidewalk.
  4. Address a power pole (The property owners are resolving this matter.).
  5. Reinstall a circular drive.
    - a. Brick or crushed gravel will pave the drive.
    - b. Either sailor bricks or granite cobblestones will border the drive.
    - c. A brick path with an intermediate octagonal “landing” will extend between the drive and the façade’s front steps.
      - i. The brick walkway and intermediate landing will be paved with bricks laid in a herringbone pattern.
      - ii. A concrete or cobbled border will define the brick.
      - iii. Six planters and two benches will distinguish the walkway and intermediate landing.
    - d. Position two parking spaces at the southwest corner of the drive.
      - i. Stepping stones will extend between the walkway and the parking spaces.
      - ii. The spaces will be surfaced with crushed gravel
      - iii. Either sailor bricks or cobbles will edge the parking area.
  1. Install landscaping about the walkway and intermediate landing.
  2. Reconstruct a wooden picket fence along the front lot line.
    - a. The fencing design will be based on the fence which originally fronted the lot.
    - b. A double gate (inward swinging) will afford ingress to and egress from the driveway.

## STAFF ANALYSIS

This application involves the reinstallation of a circular drive and the replication of fencing.

While the Design Review Guidelines for Mobile’s Historic Districts state that circular drives and parking pads in front yards are generally not appropriate (See B-3.), a circular drive once graced the subject property. The inner portions of the western half of said drive survive beneath a concrete pedestrian walkway which extends from the sidewalk to the front steps. As evidenced by early 20<sup>th</sup>-Century photographs provided by the owners, a brick paved driveway formerly occupied the location as the proposed driveway. Good site planning is thus substantiated by historic precedent (See B-2.).

Several of the larger houses that once stood on Government Street, including the demolished Goldwaite, Dunlap, Ketchum, and Atchison (formerly Dobson’s Boarding House) Houses, possessed similar drives. Circular drives typified a number of expansive residential compounds located in Mobile’s western suburbs and Spring Hill. Extant examples include the Thomas Shannon Hunter property at 4058 Old Shell Road, the Marshall-Eslava-Byrne-Hixon-Dixon House at 152 Tuthill Lane, and the Collins-Austill House at 114 Austill Lane. The format particularly suited spacious lots and formal settings of properties such as 1407 Government Street, a large un-subdivided property. Proposed surfacing materials meet the Design Review Guidelines and are sanctioned by historic precedent. The configuration of the approach from the drive to the house is based on historic examples.

With regard to the proposed fencing, the Design Review Guidelines state that “fencing “should complement the building and not detract from it. Design, scale, placement, and materials should be considered along with their location to the historic district (See B-4.). Imagery provided by the owners depicts fencing that extended the length of the front lot line. Said fencing would be replicated and placed upon the original location. The fencing would not only recapture historic integrity, but also obscure driving and parking spaces (See B-3.). Landscaping will further soften the setting (See B-1.)

## **STAFF RECOMMENDATION**

Staff recommends approval in part and denial in part.

Based on B (1-4), Staff does not believe the reinstallation of the drive and the replication of the fencing would impair the architectural or the historical integrity of the dwelling or the surrounding district. Staff recommends approval of the aforementioned portion of the application.

Based on B (3), Staff does not recommend approval of the parking portion of the proposal. Staff recommends that the applicants relocate the parking to behind the front plane of the house.

## **PUBLIC TESTIMONY**

Margaret Langdon Hamilton and Tuan Titlestad were present to discuss the application.

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed the applicant’s representative. He asked Ms. Hamilton if she had any clarifications to address, questions to ask, or comments to make. Ms. Hamilton responded by saying she had nothing to allow at the present time.

Mr. Oswalt asked his fellow Board members if they had any questions to ask Ms. Hamilton.

Mr. Stone asked for clarification as to the location of the fencing.

Ms. Hamilton requested of Mr. Stone that he recuse himself from the discussion and review of the application. Mr. Stone said he would consider the request.

Mr. Allen asked if any fencing was in place. Mr. Blackwell stated that no fencing was in place at the proposed location. Referencing photographs provided by the family, he noted that fencing of the same design was previously located upon the subject space.

Discussion moved onto other examples of fence fronted properties on Government Street. The iron fencing surrounding the Piser House at the northeast corner of Hallet and Government Street was mentioned. Mr. Blackwell noted the Inge-Fremouw property located just opposite the subject property and the Bernstein House (Carnival Museum) prominently located further east on Government Street as two other examples. He stated that wooden fencing of the type replicated was commonly found on larger suburban compounds, as well as the west portions of Government and Dauphin Streets. He cited several early contracts fencing of the type proposed for replication.

Ms. Harden asked for clarification as to the height of the fencing. Mr. Blackwell said that fence (as originally constructed) would have been roughly four feet in height. Ms. Harden and Mr. Holmes advised keeping the fence to a four foot height for reasons of the Guidelines and Code.

Mr. Allen voiced his concern regarding the parking area located off of the circular drive.

Mr. Blackwell referenced the Design Review Guidelines which state that parking areas should be shielded from view by either fencing or plantings. He stated that both natural and constructed barriers would be employed. Mr. Blackwell also cited the depth of the lot as a factor informing the suitability of the request.

Mr. Brown voiced concern as to an Alabama Power poll that would be impacted by the reinstating of the drive. Ms. Hamilton and Mr. Blackwell explained that the removal of the pole was being addressed.

Mr. Oswalt asked his fellow Board members if they had any further questions to ask. No further Board discussion took place.

Mr. Oswalt asked if there was anyone from the audience who wished to speak either for or against the application. Upon hearing no response, Mr. Oswalt closed the period of public comment.

#### **FINDING OF FACT**

Mr. Stone moved that, based upon the evidence presented in the application and during the public testimony, the Board finds the facts in the Staff report, amending facts to note that the fencing would not exceed four feet in height.

The motion received a second and was unanimously approved.

#### **DECISION ON THE APPLICATION**

Mr. Holmes moved that, based upon the facts as amended by the Board, the application does not impair the historic integrity of the district or the building and that a Certificate of Appropriateness be issued.

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 1/21/16**



**APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS**  
**CERTIFIED RECORD**

**2015-05-CA:** 357-359 Church Street  
**Applicant:** Julie Beem with the Malaga Inn  
**Received:** 1/5/15  
**Meeting:** 1/21/15

**INTRODUCTION TO THE APPLICATION**

Historic District: Church Street East  
Classification: Contributing  
Zoning: T-5.1  
Project: Signage – Remove a pole sign and construct a monument sign.

**BUILDING HISTORY**

The subject property is distinguished by two currently conjoined twin houses dating from 1862. Constructed for the William Frolichstein and Issac Goldsmith, brothers-in-law and business partners, the two Italianate residences still grace what artist Marian Acker Macpherson described as “the most aristocratic” of Mobile’s streets. The houses are among less than forty extant examples of Mobile’s side hall with wing typology. In 1967, the two houses were adaptively reused as a hostelry, a function they serve to this date. The intervening connector and rear additions date from that time. Two other 19<sup>th</sup>-Century masonry townhouses at one time occupied the present day parking 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 Malaga Inn has never appeared before the Architectural Review Board. All previous repairs and/or alterations to the property have been approved on staff level. With this application, the owners propose the removal and replacement of signage.
- B. The Sign Design Guidelines for Mobile’s Historic Districts and Government Street state, in pertinent part:
  - 1. “Signs shall be mounted or erected so they do not obscure the architectural features or openings of a building.”
  - 2. “The size of the sign shall be in proportion to the building and the neighboring structures and signs.”
  - 3. “The total maximum square footage for all signs is one and one half square feet per linear front foot of the principal building, not to exceed sixty-four (64) square feet.”
  - 4. “The total allowable square footage for a monument sign is fifty (50) square feet.”
  - 5. With regard to materials “metal” is allowed.”
- C. Scope of Work (per submitted imagery):
  - 1. Remove a pole sign.
  - 2. Install a monument sign in the northeast corner of the lot.



- a. The camelback-shaped sign will be single-faced in orientation.
- b. Said sign will be suspended between metal posts that will be surmounted by lanterns.
- c. The name of the business will constitute the sign copy/design.
- d. The sign will be metal in composition.
- e. Said sign will be set within and fronted by landscaping.

## **STAFF ANALYSIS**

This application involves the removal of a pole sign and the construction of what Staff and the Board have previously described as a monument sign. When reviewing signage applications, the Board takes into account the following: installation; size; and materials.

The Sign Design Guidelines for Mobile's Historic Districts and Government Street state that signs shall be mounted or erected so they do not obscure the architectural features or openings of a building (See B-1.). The sign would be located within northeast corner of the property. Said property occupies an entire city block. Landscaping would flank, front, and soften the sign. No physical aspect of the historic buildings occupying the property would be obscured, impaired, or impacted.

With regard to size, an overall maximum square footage allotment and individual typological size restrictions come into play. The total maximum square footage for a given property is sixty-four square feet (See B-3). Monument signs are restricted to a maximum of fifty square feet (See B-4). While the sign appears proportional to other signs in the vicinity, no dimensions were provided (See B-2).

The Sign Design Guidelines list metal as an appropriate signage material (See B-5.).

Having taken into Sign Design Guidelines for Mobile's Historic Districts and Government Street, it is necessary to consult the Mobile's Downtown Development District (DDD) Code (See Pages 30-33 of the aforementioned document.). Restrictions pertaining to a sign's location, type, size, and material are subject to review. According the definitions and illustrations of the Downtown Development Code, the subject sign falls into the category of a yard blade sign. Said signs are restricted to a maximum square footage of ten (10) per sign face. Yard blade signs are not allowed in T-5.1 districts. Metal and composite metal signs are allowed.

## **STAFF RECOMMENDATION**

Based on lack of information regarding B (3) and B (4), Staff cannot recommend approval of this application.

## **PUBLIC TESTIMONY**

Julie Beem was present to discuss the application.

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed the applicant's representative. He asked Ms. Beem if she had any clarifications to address, questions to ask, or comments to make.

Ms. Beem added that the sign would blend in with the surrounding landscaping features.

Mr. Oswalt asked his fellow Board members if they had any questions to ask the applicant.

Ms. Echols inquired as to the size of the sign. Mr. Blackwell explained that the sign would not exceed the maximum fifty (50) square feet allotment authorized for freestanding signs that is outlined in the Sign Design Guidelines for Mobile's Historic Districts and Government Street.

Ms. Harden inquired as to the height of the sign. Ms. Beem explained that the sign face would measure four (4) feet in height and six (8) feet in length. Mr. Blackwell noted that sign would not exceed the eight foot height established the Sign Design Guidelines.

The height of the sign in relation to the fence was noted.

The Board concurred as to the improvement represented by the proposed signage.

When asked if the existing pole sign would remain in place, Ms. Beem answered no.

Mr. Oswalt asked his fellow Board members if they had any further questions to ask. No further Board discussion took place.

Mr. Oswalt asked if there was anyone from the audience who wished to speak either for or against the application. Upon hearing no response, Mr. Oswalt closed the period of public comment.

#### **FINDING OF FACT**

Mr. Stone moved that, based upon the evidence presented in the application and during the public testimony, the Board finds the facts in the Staff report, amending facts to note that sign face would measure eight (8) feet in length and four (4) feet in height, the overall height of the sign would not exceed eight (8) feet, and the materials would be appropriate to the historic districts.

The motion received a second and was unanimously approved.

#### **DECISION ON THE APPLICATION**

Mr. Stone moved that, based upon the facts as amended by the Board, the application does not impair the historic integrity of the district or the building and that a Certificate of Appropriateness be issued.

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 1/21/16**

**APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS**  
**CERTIFIED RECORD**

**2015-06-CA:** 62 Etheridge Street  
**Applicant:** Fairn Whatley  
**Received:** 12/20/14  
**Meeting:** 1/21/15

**INTRODUCTION TO THE APPLICATION**

Historic District: Old Dauphin Way  
Classification: Conditionally Contributing  
Zoning: R-1  
Project: Demolition and Site Redevelopment – Demolish a fire-damaged dwelling, install fencing, and create a garden.

**BUILDING HISTORY**

This house dates from the first quarter of the 20<sup>th</sup>-Century. Minus a later shed roof addition, an all encompassing hipped roof covers the house. A front porch was infilled at an earlier date.

**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 February 10, 1999. At that time, the Board denied a request to install a chain link fence. For over three years, the residence has stood empty. A fire had ravaged the interior of the building. The current owner proposes the demolition of the house, the construction of fencing, and the installation of landscaping.
- B. With regards to demolition, the Guidelines read as follows: “Proposed demolition of a building must be brought before the Board for consideration. The Board may deny a demolition request if the building’s loss will impair the historic integrity of the district.” However, our ordinance mirrors the Mobile City Code, see §44-79, which sets forth the following standard of review and required findings for the demolition of historic structures:
  - 1. *Required findings; demolition/relocation.* The Board shall not grant certificates of appropriateness for the demolition or relocation of any property within a historic district unless the Board finds that the removal or relocation of such building will not be detrimental to the historical or architectural character of the district. In making this determination, the Board shall consider:
    - i. The historic or architectural significance of the structure:
      - 1. This property features a single-family residence dating circa 1912. The house was initially listed as a conditionally contributing structure. The building would now be classified as a contributing building. Vaguely influenced by the Arts & Crafts Movement, the house featured a full-length front gallery (since infilled), an all encompassing hipped roof, wide overhanging eaves,

- and simple architectural details. Houses of similar style, period, and construction are located across the United States.
- ii. The importance of the structures to the integrity of the historic district, the immediate vicinity, an area, or relationship to other structures;
    1. While the southern section of Etheridge Street was radically impacted by the demolition many single family residences, the removal of Blacksher Gardens for a motel, and then the demolition of the motel for a commercial development, the Northern section of Etheridge Street remains largely intact. A mixture of building types, architectural styles, and classes of dwellings line the undulating street. The subject building contributes to built density, rhythmic spacing, and historical integrity of the streetscape.
  - iii. The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;
    1. The building materials are capable of being reproduced or acquired.
  - iv. Whether the structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region or is a good example of its type, or is part of an ensemble of historic buildings creating a neighborhood;
    1. Astylar houses exhibiting Arts & Crafts informed impulses are found across the United States.
  - v. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area.
    1. If granted demolition approval, the applicant would demolish the fire-damaged dwelling, salvage materials, carefully remove debris level the lot, install fencing, install landscaping, and redevelop the property as a butterfly garden.
  - vi. The date the owner acquired the property, purchase price, and condition on date of acquisition;
    1. The current owner acquired the fire-damaged and unoccupied dwelling on December 3, 2014 for a purchase price of \$9,000.
  - vii. The number and types of adaptive uses of the property considered by the owner;
    1. After seeing the house on the market for a number of years, purchasing the dwelling, and assessing the fire damage, the applicant decided it would be more cost effective and beneficial to the neighborhood to demolish the damaged structure and extend a previously planned butterfly garden from part to the whole of the site.
  - viii. Whether the property has been listed for sale, prices asked and offers received, if any;
    1. The property had previously been listed for sale. The owner/applicant recently acquired the property for the aforementioned purchase price.
  - ix. Description of the options currently held for the purchase of such property, including the price received for such option, the conditions placed upon such option and the date of expiration of such option;
    1. N.A.
  - x. Replacement construction plans for the property in question and amounts expended upon such plans, and the dates of such expenditures;
    1. See submitted materials.
  - xi. Financial proof of the ability to complete the replacement project, which may include but not be limited to a performance bond, a letter of credit, a trust for

completion of improvements, or a letter of commitment from a financial institution.

1. Not provided.

xii. Such other information as may reasonably be required by the board.

1. See submitted materials.

2. *Post demolition or relocation plans required.* In no event shall the Board entertain any application for the demolition or relocation of any historic property unless the applicant also presents at the same time the post-demolition or post-relocation plans for the site.”

C. Scope of Work (per submitted plans):

1. Demolish a fire-damaged contributing building.
2. Salvage architectural materials and elements.
3. Carefully level the site.
4. Construct fencing.
5. Install landscaping.
6. Transform the site into a butterfly park/garden.

## STAFF ANALYSIS

This application calls for the demolition of a fire-damaged dwelling. When reviewing demolition applications, the Board reviews the following considerations: 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 the building’s architectural significance, this property is a contributing residence located within the heart of Mobile’s Old Dauphin Way Historic District.

The fire that gutted the interior and affected the exterior of the dwelling occurred at such a location that the structural integrity of the building was significantly impaired. As evidenced by on site examination and submitted photographs, the roof structure was significantly impaired. The principle load bearing posts are charred and in cases lost. The fire spread throughout the attic and into the eaves. Interior walls and foundations were also lost.

While not a principle thoroughfare, Etheridge Street possesses a sizable number of contributing buildings. The northern portion of Etheridge Street, the section upon which 62 Etheridge Street stands, was not physically impacted by the demolitions and redevelopments that so drastically altered the southern portion of the street. Located in the middle of the northern portion of Etheridge Street, No. 62 contributes to built density, rhythmic spacing, and historical integrity of the streetscape.

If granted demolition approval, the applicant would demolish the fire-damaged dwelling, salvage materials, carefully level the site, construct fencing, and landscape the site. As indicated in the owner/applicant’s submittal, a butterfly garden would be located upon the lot. Three-dimensional renderings and site plans show that nature and location of raised beds and enclosures.

## STAFF RECOMMENDATION

Based on B (1-2), Staff believes this application would impair the architectural and historical character of the building and the surrounding district. Based on previous Board rulings, Staff recommends that the applicant list the property on MLS for a six month period. At juncture, Staff does not recommend approval of the application, but notes the condition of the building and the merits of the redevelopment plan.

## **PUBLIC TESTIMONY**

Fairn Whatley was present to discuss the application.

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed the applicant's representative. He asked Ms. Whatley if she had any clarifications to address, questions to ask, or comments to make.

Ms. Whatley stated that the project would be beautiful.

Mr. Oswalt asked his fellow Board members if they had any questions for the applicant.

Mr. Stone stated that he thought the proposal looked and would be a good one.

Mr. Oswalt asked if there was anyone from the audience who wished to speak either for or against the application.

Kevin Anderson, a neighbor, addressed the Board. He stated that he had tried to purchase the house at an earlier date. On behalf of the neighborhood, he expressed his appreciation for Ms. Whatley's purchase of the property and her proposed redevelopment of the site.

Derek Schwartz, another neighbor, voiced his support of the project.

Mr. Stone introduced a motion to accept the facts.

Mr. Allen voiced concern regarding the approval of the project. He stated that while he admired the project, he was all the same hesitant for reason of precedent. Mr. Allen then referenced the six month stay of demolition and MLS listing policy.

Ms. Whatley stated that the property had been for sale for over three years prior to her purchase of it through foreclosure. She stated that it had been listed on MLS.

Mr. Blackwell spoke to address Mr. Allen's concerns. He explained that the six month stay of demolition and MLS policy was as he saw it not applicable in this instance. He cited both the property's time on the market and the effort had been made to sell the property as differentials between the subject application and the earlier requests and rulings. Mr. Blackwell also mentioned that three of the major criteria for demolition – the condition of the building and redevelopment proposal (streetscape and plan for action) – had been taken into consideration.

Mr. Allen still voiced concern.

Ms. Whatley reiterated the condition of the building.

Mr. Holmes and Ms. Harden asked Ms. Whatley questions regarding her purchase of the property. Ms. Harden asked Ms. Whatley if she had considered restoring the house.

Ms. Whatley explained that while she had not considered restoring the house after the fire, she had obtained quotes from two contractors for renovating the building prior to conflagration that had so

damaged the structure. She said that she had also invested moving the house. On account of the tree canopy, relocation of the house proved impossible.

Ms. Whatley stated that she understood the Board's hesitancy regarding demolitions. She referenced the Taco Bell on Government Street as just one example of the loss to fire of a handsome dwelling and its replacement with a less than satisfactory building and use. She said that her proposal would be a benefit to the area.

Mr. Holmes said that he fully respected Mr. Allen's concern for precedent, but cited the lengthy period of listing, the condition of the building, the economic impracticality of restoring the building, and the provision of acceptable redevelopment plan, as differentials from previous applications in which the Board required a stay of demolition. He said that holding off the demolition of the eyesore and the redevelopment of the lot for six months was not necessary in this instance.

Ms. Harden asked for an idea of the listing price.

Mr. Anderson explained that the initial listing price was sixty thousand dollars. He then stated that the asking price dropped later dropped to thirty-five thousand dollars. He further clarified that both listing prices predated the fire.

Mr. Schwartz explained that he had been offered the house for free.

Ms. Whatley stated after the fire there was no listing price. She said that one simply made an offer.

Mr. Anderson that on account of the building the property's only monetary value was the land upon which it stands.

## **FINDING OF FACT**

Mr. Stone moved that, based upon the evidence presented in the application and during the public testimony, the Board finds the facts in the Staff report as written.

The motion received a second and was unanimously approved.

## **DECISION ON THE APPLICATION**

Mr. Stone moved that, based upon the facts as amended by the Board, the application does impair the historic integrity of the district or the building and that a Certificate of Appropriateness be issued on account of the condition of the building, the cost of restoring the building, the provision of a redevelopment plan, and the previous listing of the property on MLS

The motion received a second and was approved. Mr. Allen voted in opposition.

**Certificate of Appropriateness Expiration Date: 1/21/16**