

**CITY OF MOBILE**  
**ARCHITECTURAL REVIEW BOARD**

Minutes of the Meeting  
August 14, 2006

**CALL TO ORDER**

The meeting was called to order at 3:03 p.m. by Chair, Bunky Ralph.

Devereaux Bemis, MHDC Director, called the roll as follows:

**Members Present:** Alternate David Barr, Tilmon Brown, Douglas Kearley, Harris Oswald, Bunky Ralph, David Tharp.

**Members Absent:** Robert Brown Cindy Klotz, Michael Mayberry, Cameron Pfeiffer, Joe Sackett, Jim Wagoner.

Staff Members Present: Anne Crutcher, Devereaux Bemis, John Lawler

<u>In Attendance</u>	<u>Mailing Address</u>	<u>Item Number</u>
Shelton Todd		078-05/05-CA
David Wilkins	P.O. Box 1406 Mobile 36633	078-05/06-CA
Margaret Hutchison	109 Levert	079-05/06-CA
Bob Caron	Lipford Construction	079-05/06-CA
Mack and Celia Lewis	158 S. Jefferson	081-05/06-CA

David Tharp moved to approve the minutes of the last meeting as emailed. The motion was seconded by Douglas Kearley and unanimously approved.

David Tharp moved to approve the mid-month Certificates of Appropriateness. The motion was seconded by Harris Oswald and unanimously approved.

**MID-MONTH APPROVALS**

1. Applicant's Name: Gertrude Powell  
Property Address: 266 Dexter Avenue  
Date of Approval: 7/7/06 weh  
Work Approved: Repair and or replace damaged and deteriorated wood as necessary with new materials to match existing in profile, dimension and material. Paint new materials to match existing color scheme. Repaint house, paint colors to be submitted at a later date.
2. Applicant's Name: St. Francis Place Condominiums  
Property Address: 753 St. Francis Street  
Date of Approval: 7/10/06 asc  
Work Approved: Repair front entry doors with materials matching existing in profile and dimension. Refinish to match existing.
3. Applicant's Name: Lesli Bordas  
Property Address: 51 N. Ann Street  
Date of Approval: 7/10/06 weh  
Work Approved: Paint house in the following Sherwin-Williams color scheme: body-Pewter Gray; trim-white; accent: Rookwood Red; porch ceiling-Robin's Egg Blue; porch floor-Royal Blue.

4. Applicant's Name: Joia and Thelma Juzang  
Property Address: 909 Elmira Street  
Date of Approval: 7/10/06 weh  
Work Approved: Replace rotten wood as necessary with new wood to match existing in dimension and profile. Paint house in original color scheme. Reroof with 3 tab shingle, gray blend or black in color, to match existing.
  
5. Applicant's Name: Liberty Roofing Company  
Property Address: 100 S. Lafayette Street  
Date of Approval: 7/11/06 jss  
Work Approved: Install new Tamko architectural shingle roof, rustic black in color.
  
6. Applicant's Name: A-1 Flooring and Blinds  
Property Address: 753 St. Francis Street  
Date of Approval: 7/17/06..jss  
Work Approved: Predrill around windows of 1928 building to allow for installation of aluminum story shutters during hurricanes.
  
7. Applicant's Name: Thomas Roofing  
Property Address: 306 St. Francis St.  
Date of Approval: 7/18/06 weh  
Work Approved: Remove 3 tab shingle roof and reinstall Timberline roof.
  
8. Applicant's Name: Paul Morris  
Property Address: 9 S. Monterey St.  
Date of Approval: 7/20/06 weh  
Work Approved: remove metal awnings from exterior. Demolish inappropriate and dilapidated lean to shed in rear. Construct new carport using MHDC stock designs as per plans provided.
  
9. Applicant's Name: Ben Cummings/Thomas Roofing Company  
Property Address: 1011 Augusta Street  
Date of Approval: 7/25/06 asc  
Work Approved: Reroof using GAF Timberline ultra asphalt shingles, pewter gray in color.
  
10. Applicant's Name: Stauter Construction, Inc.  
Property Address: 256 Rapier Avenue  
Date of Approval: 7/28/06 asc  
Work Approved: Replace rotten wood on siding, front fascia boards and porch ceiling with new wood to match existing in profile and dimension. Paint new materials in existing color scheme.
  
11. Applicant's Name: Gene and Theresa Coleman  
Property Address: 56 N. Monterey Street  
Date of Approval: 7/28/06 asc  
Work Approved: Install framed lattice panels painted white with plywood backing painted black. Paint porch ceiling Robin's Egg Blue.

12. Applicant's Name: Gail McCain  
Property Address: 67 N. Reed Avenue  
Date of Approval: 7/28/06 jss  
Work Approved: Repaint house in the following color scheme: body-taupe; trim-white; porch floor, steps and lattice-BLP Bellingrath Green; porch ceiling-Flora 21-1P (light blue).

**NOTICES OF VIOLATION and MUNICIPAL OFFENSE TICKETS:**

No NoVs or MoTs were written during this time period.

**NEW BUSINESS:**

1. **078-05/06-CA** 1659 Government Street  
Applicant: Messina & Harris, Inc./T-Mobile  
Nature of Request: Install 70 ft. monopole; install wood fence and landscaping.  
**TABLED.** Certified Record attached.
2. **079-05/06-CA** 109 Levert Avenue  
Applicant: Margaret and Lyle Hutchison  
Nature of Request: Install 6 ft. wood privacy fence with wood gates and automatic iron gate off alley.  
**APPROVED.** Certified Record attached.
3. **080-05/06-CA** 1561 Fearnway  
Applicant: Van and Carey Golden  
Nature of Request: Construct rear addition per the submitted plans.  
**APPROVED WITH CONDITIONS.** Certified Record attached.
4. **081-05/06-CA** 161 S. Jefferson Street  
Applicant: Celia and Mack Lewis, Dandi Dolbear  
Nature of Request: Restore/rehabilitate per the submitted drawings.  
**APPROVED WITH CONDITIONS.** Certified Record attached.

**OTHER BUSINESS and ANNOUNCEMENTS:**

1. A report to the Board on the Baltimore NAPC trip will be made at the next meeting.
2. The Board noted that 103 N. Washington had burned for the second time. The Board will review any future plans for use of the lot.

**There being no further business, the meeting adjourned at 4:15 p.m.**

**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
CERTIFIED RECORD**

**078-05/05-CA – CA**    1659 Government Street  
**Applicant:**            David Wilkins for Messina & Harris, Inc.  
**Received:**              7/24/06                      **Meeting Date (s):**  
**Submission Date + 45 Days:**    9/7/06                      1) 8/14/06            2)                      3)

**INTRODUCTION TO THE APPLICATION**

**Historic District:**        Leinkauf Historic District  
**Classification:**        Non-contributing  
**Zoning:**                    B-1, Buffer Business  
**Additional Permits Required:** (1) Fence; (2) Tree  
**Nature of Project:**      Install 70 ft. light pole to be used for parking lot lighting and stealth antenna.  
                                      Install wood fence and landscaping as required by Landscape Ordinance.

**APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT**  
*Design Review Guidelines for Mobile’s Historic Districts*

<b><u>Sections</u></b>	<b><u>Topic</u></b>	<b><u>Description of Work</u></b>
3	Fences, Walls & Gates	Install wood fence

**STANDARD OF REVIEW**

Section 9, STANDARD OF REVIEW, of the Historic Preservation Ordinance states that “The Board shall not approve any application proposing a Material Change in Appearance unless it finds that the proposed 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 historic district…”

**STAFF REPORT**

The current Design Review Guidelines do not directly address structures such as cell towers, satellite dishes, antennas, etc. However, Section 9 under Standard of Review addresses the appropriateness and the impact of elements within the context of historic districts. Facts are enumerated for the Board’s consideration of this request.

1. The tower will be located on the south side of Government Street between Park Terrace and S. Monterey Streets in the rear corner of an existing parking lot that has numerous trees.
2. The parking lot is on the edge of the Leinkauf Historic District and faces the north side of Government Street which is located in the Old Dauphin Way Historic District.
3. Plans call for the placement of equipment at the base of the tower.
4. The equipment will be masked by a 6 ft. privacy fence and a 2 ft. buffer of eleven 7 gal viburnum 4’ high planted 4 ft. on center.
5. The tower is 70’ tall, with the new T-Mobile antenna located at 65 ft.
6. The application notes that the tower will provide additional illumination for the parking lot, however, the plans show no provision for parking lot lighting.

7. Typically, towers of this nature have up to 2 co-locations for cell phone use, requiring additional buildings to house equipment.
8. As required, the applicant has submitted information to the Alabama Historical Commission for Section 106 Review to mitigate any negative impact on the Leinkauf or Old Dauphin Way Historic Districts. The AHC has found that there would be a negative impact on the surrounding historic districts
9. One water oak will be removed from the site; two will remain.
10. The tower will not be as high as the existing trees.

Staff considered that the T-Mobile Stealth pole and antennae would have a negative impact on the Leinkauf and Old Dauphin Way Historic Districts. Staff does encourage Board members to visit the site and assess whether the location is sufficiently shielded by foliage to hide a monopole.

### **PUBLIC TESTIMONY**

David Wilkins and Shelton Todd were present to discuss the application. Mr. Wilkins explained that they had been looking for a location near Catherine and Government Street for a while but all attempts at finding a location had been in vain.

Staff reported that there had been several complaints from the neighborhood that opposed the monopole's location feeling that it would be very visible from the neighborhood. Staff also reported talking to the Urban Forester who stated that trees in the neighborhood were 50-55 ft. tall, thus making the monopole taller than the adjacent trees.

The Board questioned whether the stealth pole could be disguised as a flagpole or tree. Mr. Wilkins responded that the tree would not be appropriate since it would be much taller than anything around and that the stealth pole will be disguised as a light pole. Mr. Wilkins stated that the City requires that co-locations be provided and there is space in the compound to add a cabinet.

The Board questioned the finding of the Alabama Historical Commission's 106 review. Staff explained that the AHC felt that there would be a negative impact on adjacent historic districts as well as the Patterson House that is individually listed on the National Register. However, the AHC was deferring to the local Review Board in this matter.

Mr. Wilkins explained that there is a generator that will run only when the power is interrupted, but that the sound is muffled by sound proofing.

Mr. Todd said that he will determine the exact height of the existing trees at the site and will authorize a balloon test in order that Board members will be able to see precisely how visible the pole will be.

There was no one else to speak in favor of or in opposition to the application.

### **BOARD DISCUSSION**

There was no additional Board discussion.

### **FINDING OF FACT**

There was no finding of fact.

### **DECISION ON THE APPLICATION**

Tilmon Brown moved that, based upon the evidence presented in the application and during the public hearing, that the application be tabled until the additional information regarding tree heights and the balloon test can be performed. The motion was seconded by Douglas Kearley and unanimously approved.



### **PUBLIC TESTIMONY**

Owner Margaret Hutchison and Bob Caron of Lipford Construction were present to discuss the application. The owner stated that the fence she proposed to build was the same design as the fence at 74 N. Reed Avenue and not the design submitted for Board Review. She submitted a drawing and photo of the fence at 74 N. Reed. The overall height of the fence is 6 ft. with posts at 6'6". The fence will be painted white with a dark green cap.

There was no one else to speak in favor of or in opposition to the application.

Staff had no comments from the public or city departments to read into the record.

### **BOARD DISCUSSION**

There was no Board discussion.

### **FINDING OF FACT**

The Board modified the following facts in the Staff report in light of the revised application;

4. The proposed wood fence will be 6 ft. in height with posts at 6'6".
6. The proposed fence will be painted white with a green cap.

Douglas Kearley moved that, based upon the evidence presented in the application and during the public hearing, that the Board finds the facts in the Staff report as modified above. The motion was seconded by Tilmon Brown and unanimously approved.

### **DECISION ON THE APPLICATION**

Tilmon Brown moved that, based upon the facts found by the Board, that the application does not impair the historic integrity of the structure or the district according to the Guidelines and that a Certificate of Appropriateness be issued. The motion was seconded by David Tharp and unanimously approved.

**Certificate of Appropriateness Expiration Date: 08/14/07.**





### **BOARD DISCUSSION**

The Board discussed whether the ridge of the proposed addition would be higher than the existing ridge and concluded that as long as the ridge was lower than or equal to the existing ridge, it would not be visible.

### **FINDING OF FACT**

Harris Oswalt moved that, based upon the evidence presented in the application and during the public hearing, that the Board finds the facts in the Staff report. The motion was seconded by David Barr and unanimously approved.

### **DECISION ON THE APPLICATION**

Harris Oswalt moved that, based upon the facts found by the Board, that the application does not impair the historic integrity of the structure or the district according to the Guidelines and that a Certificate of Appropriateness be issued. The motion was seconded by David Barr and unanimously approved.

**Certificate of Appropriateness Expiration Date: 08/14/06.**

**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
CERTIFIED RECORD**

**081-05/06-CA**            161 S. Jefferson Street  
**Applicant:**            Mack and Celia Lewis; Dandi Dolbear  
**Received:**            8/2/06                    **Meeting Date (s):**  
Submission Date + 45 Days: 9/4/06            1) 8/14/06    2)                    3)

**INTRODUCTION TO THE APPLICATION**

**Historic District:**        Church Street East Historic District  
**Classification:**        Contributing  
**Zoning:**                R-1, Single Family Residential  
**Conflicts of Interest:**    Devereaux Bemis noted that Celia Lewis is Commission member and that Mack Lewis serves on the Mobile Revolving Fund for Historic Properties.  
**Nature of Project:**        Restore/rehabilitate existing structure per the submitted plans; construct privacy and picket fences, install concrete drive.

**APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT**  
*Design Review Guidelines for Mobile's Historic Districts*

**STANDARD OF REVIEW**

Section 9, STANDARD OF REVIEW, of the Historic Preservation Ordinance states that “The Board shall not approve any application proposing a Material Change in Appearance unless it finds that the proposed 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 historic district...”

**STAFF REPORT**

Based on the information contained in the application, and in Staff’s judgment, the proposed work complies with the Design Review Guidelines and will not impair the historic integrity of the structure and the district.

**Demolition of slab, pool, fencing and shed from rear yard.**

1. All elements are deteriorated and do not contribute to the district.

Staff recommends approval of the removal of non-contributing elements from the site.

**Rehabilitation of existing building:**

1. 161 S. Jefferson Street is a one story frame residence constructed with classical columns.
2. An addition has been constructed to the south and rear that was not approved by the Board.
3. A Victorian railing has been added to the front porch that does not mimic historic proportions.
4. New classical columns and railing will be added to the front porch along with stair rail and wood steps.
5. New 6 panel wood front door to be installed.
6. All materials and architectural details will match the existing historic house.
7. Boxed lattice panels to be installed.
8. Building to be primed with paint colors to be selected at a later date.

Staff recommends approval of the rehabilitation plans.

**Fencing:**

1. Various types of fencing are proposed for the site.

2. An 8 ft. wood privacy fence is proposed for the rear property line, along the south side of the lot to the beginning point of the side addition and on the north property line to the service yard. This area abuts a commercial site that fronts on Church Street.
3. 6 ft. wood privacy fencing will surround the service yard.
4. 4 ft. picket fencing will be constructed on the north property line to the front wall of the porch.
5. Future fencing and gates are indicated on the north and south property lines

Staff recommends approval of the various fencing types proposed.

**Parking Area in Front Yard and Concrete Driveway:**

1. Parking areas in the front yard are discouraged.
2. Concrete drives are a common driveway solution in the historic districts.

Staff recommends approval of the concrete driveway and denial of the parking area in the front yard.

**PUBLIC TESTIMONY**

Mack and Celia Lewis were present to discuss the application. They explained that their intention was to remove the slab, pool, shed and fencing from the rear yard and restore/rehabilitate the existing structure. This would include completing the exterior on the addition constructed without ARB approval. Their intention is to upgrade the neighborhood in which they live. They stated that the parking pad was not part of the application.

Board members questioned the condition of the existing half glass front door. The applicants felt that the door was salvageable.

There was no one else to speak in favor of or in opposition to the application.

Staff had no comments from the public or city departments to read into the record.

**BOARD DISCUSSION**

There was no Board discussion.

**FINDING OF FACT**

Tilmon Brown moved that, based upon the evidence presented in the application and during the public hearing, that the Board finds the facts in the Staff report, deleting the section on the parking pad. The motion was seconded by David Tharp and unanimously approved.

**DECISION ON THE APPLICATION**

Tilmon Brown moved that, based upon the facts found by the Board, that the application does not impair the historic integrity of the structure or the district according to the Guidelines and that a Certificate of Appropriateness be issued conditioned upon retaining the existing front door or, if the existing door is not salvageable, installing a 4 panel door. The motion was seconded by Douglas Kearley and unanimously approved.

**Certificate of Appropriateness Expiration Date: 08/14/07.**

