

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

Minutes of the Meeting  
August 28, 2006

**CALL TO ORDER**

The meeting was called to order at 3:00 p.m. by Chair, Bunky Ralph.

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

**Members Present:** Robert Brown, Tilmon Brown, Douglas Kearley, Cindy Klotz, Harris Oswalt, Cameron Pfeiffer, Bunky Ralph, David Tharp, Jim Wagoner.

**Members Absent:** Michael Mayberry, Joe Sackett.

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

<u>In Attendance</u>	<u>Mailing Address</u>	<u>Item Number</u>
Crosby Latham	3651 Old Shell Rd	084-05/06-CA
George K. Noland, Jr.	P.O. Box 1255 Mobile 36633	084-05/06-CA
Pete Vallas	108 Lanier	082-05/06-CA
Shelton Todd	T Mobile	078-05/06-CA
Sharon Johnson	954 Government	085-05/06-CA
Ana Goodman	Dendy Architects	089-05/06-CA
Ashleigh Leland	109 Ryan Avenue	082-05/06-CA
Tim Burt	4036 5 <sup>th</sup> Ave. S. Birmingham	086-05/06-CA
Elise Partridge	1749 Hunter Ave.	083-05/06-CA
Holle Briskman	2404 Springhill Ave.	083-05/06-CA

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

Harris Oswalt moved to approve the mid-month Certificates of Appropriateness. The motion was seconded by Douglas Kearley and unanimously approved.

**Mid-Month Certificates of Appropriateness:**

- Applicant's Name:** Kevin Cross  
**Property Address:** 1567 Luling Street  
**Date of Approval:** August 1, 2006

THIS COA REPLACES COA DATED 11/10/04.

Remove existing deteriorated concrete block garage. Construct MHDC stock garage as per submitted plans. Paint to match main residence.

- Applicant's Name:** C and H Company, LLC  
**Property Address:** 1112 Palmetto  
**Date of Approval:** August 1, 2006

Remove old shed. Construct new 12 x 16 shed per standard MHDC plans. Construct using Hardi plank lap siding. Windows and doors to be wood. Install shingle roof and paint to match house. Repair existing privacy fence to match existing.

3. **Applicant's Name:** Mack Lewis/Ellen Harvey  
**Property Address:** 120 Ryan Avenue  
**Date of Approval:** August 4, 2006

Paint exterior in the following Devoe colors: body-Ivory Tan;  
trim-white; shutters-French Quarter Green.

4. **Applicant's Name:** Lipford Construction/ Hutchison  
**Property Address:** 109 Levert  
**Date of Approval:** August 9, 2006

Paint exterior in the following colors:  
Body and trim-white;  
Shutters and foundation-Benjamin Moore, Black Forest Green;  
Porch ceiling-Sirrus Wisper, Devoe.

5. **Applicant's Name:** Ernie Home Repair/John Lawler  
**Property Address:** 103 Ryan Avenue  
**Date of Approval:** August 14, 2006

Install new roof with materials matching existing in profile, material, color and dimension.

6. **Applicant's Name:** Richmar Construction/Matt Sellers  
**Property Address:** 1209 Elmira Street  
**Date of Approval:** August 7, 2006

Repair to rotten wood as necessary with new wood to match existing in dimension and profile; add soffit vents, cap fireplaces; seal openings in soffit; prime new materials in preparation to paint.

7. **Applicant's Name:** John Hamilton  
**Property Address:** 1014 Caroline Avenue  
**Date of Approval:** August 10, 2006

(This COA replaces COA dated 5-2-05) Repair rotten wood as necessary with new wood to match existing in profile and dimension; Paint in the following colors: Body: pale yellow; trim-white; porch deck: dark green.

8. **Applicant's Name:** Kevin Cross  
**Property Address:** 1567 Luling Street  
**Date of Approval:** August 1, 2006

THIS COA REPLACES COA DATED 11/10/04.  
Remove existing deteriorated concrete block garage. Construct MHDC stock garage as per submitted plans. Paint to match main residence.

9. **Applicant's Name:** Bay Flowers/Wrico Signs  
**Property Address:** 452 A Government Street  
**Date of Approval:** August 9, 2006

Install single faced non-illuminated metal sign that is 15 sq. ft. per the submitted design.

10. **Applicant's Name:** Jennifer Freeman & Emily Oberkirch  
**Property Address:** 1714 Dauphin Street  
**Date of Approval:** July 31, 2006

Install oval sign made out of wood (resin approximating wood) measuring 27" x 54". Sign to be single faced, hung from chains and be black with green lettering per the submitted sign design.

11. **Applicant's Name:** Barbara G. Giddens  
**Property Address:** 200 South Dearborn  
**Date of Approval:** August 1, 2006

Repair foundation infill to be as follows: Black plywood placed behind current Somerville red lattice panels between brick piers.

12. **Applicant's Name:** Paul Shestak  
**Property Address:** 201 South Warren St.  
**Date of Approval:** August 2, 2006

Replace rotten wood as necessary with new materials to match existing in profile, dimension and material. Paint building in existing color scheme. Unpainted brick to remain unpainted.

13. **Applicant's Name:** Connie Robinson/Nextel  
**Property Address:** 205 Dauphin St.  
**Date of Approval:** August 3, 2006

Install 4ft. x 2 ft. double faced painted wood sign per the submitted design. Sign to be hung from chains under balcony.

14. **Applicant's Name:** Greg Murphy Contracting, Inc.  
**Property Address:** 307 Conti Street  
**Date of Approval:** August 7, 2006

Replace rotten wood as necessary with new materials to match existing in profile, dimension and materials. Paint building in existing color scheme.

15. **Applicant's Name:** Betty A. Johnson  
**Property Address:** 307 George Street  
**Date of Approval:** August 14, 2006

Repair flooring and siding on back porch with new materials to match existing in profile, dimension and material. Remove screen on back porch. Repaint house in the following color scheme:

Body: (color sample submitted) Marvin Window, hurricane color.  
Trim: Lauren Ashley #717 Twine.

16. **Applicant's Name:** Victor Castro  
**Property Address:** 162 Michigan Avenue  
**Date of Approval:** August 7, 2006

Lay concrete patio in rear yard 13 ft. round area with 10' x 3' extension per the submitted site plan. Install 16 ft. x 6ft. deck 2 ft. above grade. Install handrail and steps per MHDC drawing.

17. **Applicant's Name:** Briley Shirah  
**Property Address:** 915 Palmetto Street  
**Date of Approval:** August 9, 2006

Replace unapproved wood fence along Palmetto Street with a 6 ft. stucco covered wall with a 4 in. concrete cap per drawing on file in MHDC office. Stucco to have sand finish.

18. **Applicant's Name:** Will Hester  
**Property Address:** 955 Augusta Street  
**Date of Approval:** August 9, 2006

Paint exterior in the following Devoe colors:  
body-Odessa Pink;  
trim-white;  
shutters and porch deck-Cinder Block (green).

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

No NoVs or MoTs were written during this time period.

**OLD 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.

**APPROVED.** Certified Record attached.

**NEW BUSINESS:**

1. **082-05/06-CA** 109 Ryan Avenue  
Applicant: Mr. and Mrs. Thomas M. Leland/Pete J. Vallas  
Nature of Request: Remodel existing rear building to a 2 story guest house;  
Alter front porch on main house by covering terraces  
to create two additional porch bays.

**APPROVED** Certified Record attached.

2. **083-05/06-CA** 1749 Hunter Avenue  
Applicant: Elise Partridge  
Nature of Request: Construct 6 ft. fence with two feet of lattice on west  
property line; add 2 ft. of lattice to remainder of fencing  
on site.

**APPROVED.** Certified Record attached.

3. **084-05/06-CA** 206 S. Cedar Street  
Applicant: George K. Noland, Jr.  
Nature of Request: Rebuild rear deck, retain roof over deck constructed without ARB approval and screen covered deck.  
**DENIED.** Certified Record attached.
4. **085-05/06-CA** 954 Government Street  
Applicant: Dash Neighborhood Revitalization/Wrico Signs, Inc.  
Nature of Request: Install signs totaling 64 sq. ft.  
**APPROVED AS AMENDED.** Certified Record attached
5. **086-05/06-CA** 51 S. Conception Street  
Applicant: Tim Burt/Michael Hallisey of Cohen Carnaggio and Reynolds  
Nature of Request: Renovations and additions to an existing masonry structure.  
**VOTE OF CONFIDENCE** for project outside the districts. Certified Record attached.
6. **087-05/06-CA** 155 Marine Street  
Applicant: Tuan Titlestaad/Bay Town Builders  
Nature of Request: Renovate existing house per submitted plans.  
**DENIED FOR LACK OF INFORMATION.**  
Certified Record attached.
7. **088-05/06-CA** 1751-1759 Old Shell Road  
Applicant: Cornell Family Properties  
Nature of Request: Request to install parking behind 1757 and 1759 Old Shell Road  
**WITHDRAWN.** Application will be heard at the September 11, 2006 meeting.
8. **089-05/06-CA** 308 St. Louis Street  
Applicant: Renaissance Development Company, LLC/ John Dendy, architect  
Nature of Request: Development of Mobile Fixture warehouse building into 21 residential condominiums with indoor parking garage.  
**TABLED.** Certified Record attached.

**There being no further business, the meeting adjourned at 5:20 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)8/28/06                      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  
**Conflicts of Interest:** Cameron Pfeiffer, as President of the Leinkauf neighborhood association, recused herself from discussion and voting on the application.  
**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.

The application was tabled at the last meeting. A balloon was floated on August 18, 2006. The balloon was not visible from Government Street. The balloon was visible from the west side of Monterey Street approximately half way between Lamar and Government Streets. It was visible on Park Terrace approximately half way between Lamar and Government Streets. While S. Monterey is within the Leinkauf Historic District, Park Terrace is not included within a historic district.

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 be higher than the existing canopy of live oaks.

Staff considered that the T-Mobile Stealth pole and antennae would have a minimal negative impact on the Leinkauf Historic District.

### **PUBLIC TESTIMONY**

Shelton Todd of T-Mobile was present to discuss the application. He stated that many locations in the Government and Catherine Street target area had been discussed and eliminated. He explained that he had performed a balloon test for members in order that the height of the proposed pole could be viewed next to adjacent trees. Using the pole for lighting was an afterthought and lighting will be eliminated from the plan. He explained that there is a box around the generator that muffles the sound and that the pole is designed to break away at wind speeds in excess of 140 m p h. and collapse on itself. The pole is 19.75 inches in circumference at the top and 36 inches at its base. The pole can be painted any color requested by the Board. This T-Mobile application will be on the September 7, 2006 Planning Commission agenda.

Staff read into the minutes emails in opposition to the application.

1. As you know, the Mobile Historic Development Commission has not had an opportunity to discuss the application for ARB approval and zoning changes to allow a monopole cell tower on Government Street since we do not have MHDC meetings in the summer. However, as the immediate past present of the MHDC, its current vice president, a representative of the DeTonti Square Historic District, and a resident of the Oakleigh Historic Garden District, I am opposed to the placement of cell phone towers in Mobile's historic districts because they would impair the historic integrity of those districts

While this particular pole may be relatively obscured from view from Government Street, it will have a tremendous impact on the adjacent homes on Monterey Street, which are located in a historic district. Moreover, approval of this application will create an undesirable precedent relating to cell phone towers in historic districts. Since the erection of cell phone towers in our historic districts would impair their historic integrity, the application should be denied.

*Jaime W. Betbeze, Esq*

2. There is general opposition from Leinkauf to this T-Mobile tower. Here are the reported concerns: 1) while it appears to be visible only from 2 points—Park Terrace at Government and South Monterey at Government, it is the height of the large oaks. The problem in evaluating it presently as to its true visibility, is all the greenery on the trees, as it will be much more visible during the winter, and from a much longer distance (even Government corridor). However, it is already visible from second story windows of houses along Monterey. 2) It looks like it will be placed very close to the backyard of the second house south of Government that faces S. Monterey (i.e., put in someone’s backyard.); 3) There is general opposition from the residents to business encroachment in the district, as impinging on the historic character/integrity, because it detracts from the ambiance of the area and residents believe it is better suited to a business location (like Shoppes at Midtown, Ladd Stadium or something) and that it just does not belong in a residential neighborhood and will hurt property values and ambiance. 4) a concern is also light pollution—will this structure be lighted (most certainly at the top)..bright strobe, blinking, etc.-what will residents see at night; 5)a concern is also noise pollution-will the tower hum or create noise that would affect those living close by 6) in the event of bad weather, if it is knocked down, concerns about liability There are some further concerns that have been recently raised by Leinkauf residents. 1)There is another possible problem with the tower. A realtor recently sold a house in a neighborhood west of the interstate but within the city limits. There was an emergency management tower behind the house (not a cell tower) and because of FHA guidelines, the buyer could not obtain a FHA loan and had to finance the house with a conventional type loan. The appraiser told the realtor this situation usually occurs in rural areas (or commercial areas) where most of the towers are. An owner whose property is adjacent to the tower could be adversely affected if a buyer could not obtain FHA financing. According to the appraiser, the reason for this FHA guideline is that the tower might fall on the house and that is a safety concern. 2) It will harm real estate values and impair the historic integrity of the district and 3) It will be an eyesore and overshadow the district as such.

*Cameron Pfeiffer*

There were no additional comments from the public.  
Staff had no comments from City departments to read into the record.

The Board questioned Staff regarding the Alabama Historical Commission findings and the issue of mitigation. Staff explained that it had not read the report but that the AHC felt that there would be an impact on the historic districts and the Patterson House on Government Street. The AHC would be the entity that would require mitigation. However, in this case, the AHC will defer to the wishes of the local review board.

### **BOARD DISCUSSION**

There was no additional Board discussion.

### **FINDING OF FACT**

The Board eliminated fact 10 in the staff report: “The tower will be higher than the existing canopy of oaks.” And replaced it with “The diameter of the pole is 19.75 inches at the top and 36” at the bottom.”

Cindy Klotz 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 amended. The motion was seconded by Douglas Kearley and unanimously approved.



### **DECISION ON THE APPLICATION**

Cindy Klotz moved that based upon the facts found by the Board that the application will impair the integrity of the historic district. The motion was seconded by Harris Oswald and approved.

Cindy Klotz moved that the application be denied and that a Certificate of Appropriateness be issued conditioned on the pole being painted a grayish or whitish blue and that lights not be installed. The motion was seconded by Douglas Kearley and resulted in a tie vote which resulted in the motion being defeated.

Tilmon Brown moved that the application be denied. The motion was seconded by Jim Wagoner and the vote resulted in a tie that resulted in the motion being defeated.

David Tharp moved that the application be approved conditioned upon the pole being painted a mossy brown green with no lights. The motion was seconded by Douglas Kearley and the vote was tied.

As a result of a tie vote, the application was approved.

**Certificate of Appropriateness Expiration Date: 08/28/07.**

**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
CERTIFIED RECORD**

**082-05/06-CA**                    109 Ryan Avenue  
**Applicant:**                    Mr. and Mrs. Thomas M. Leland/Pete J. Vallas, architect  
**Received:**                    8/11/06                            **Meeting Date (s):**  
**Submission Date + 45 Days:**    9/25/06                            1) 8/28/06

**INTRODUCTION TO THE APPLICATION**

**Historic District:**            Ashland Place Historic District  
**Classification:**            Contributing  
**Zoning:**                      R-1, Single family residential  
**Additional Permits Required:**

**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 on the garage complies with the Design Review Guidelines and will not impair the historic integrity of the structure and the district. The proposed work to expand the front porch will impair the historic integrity of the building and should be denied.

**Garage/Guest house**

1. 109 Ryan is a two story frame residence constructed in the Classic Revival style.
2. The proposed additions to the guest house will be visible from the street, although the building is located in the far rear corner of the lot.
3. A two story classically detailed porch will be created on the south side of the building.
4. On the east elevation, the double metal entrance door will be removed and wood siding and a pair of French doors installed.
5. A small window on the north side will be removed and infilled with wood siding.
6. All windows will be wood and the historic windows reused where possible.
7. All materials and architectural details will match the existing historic house.

Staff recommends approval of the proposed work on the guest house as submitted.

### **Expansion of the front porch on the main house.**

1. Porches are a character-defining element of a building within Mobile's historic districts.
2. The house has an uneven 3 bay front porch with round classical columns and wood deck balustrade.
3. The horizontality of the porch will be increased by adding a bay to each end.
4. Original window and door openings should be retained.
5. Double 9/1 wood windows are located to either side of the entrance portico.
6. It is proposed to include these paired windows under the extended porch.
7. These two windows will be increased in size in order to provide access to the newly created porch bays.

Staff recommends denial of these alterations to the main façade of the house.

### **PUBLIC TESTIMONY**

Mrs. Leland and architect Pete Vallas were present to discuss the application. Mrs. Leland explained that the porch was part of their family's living space. By expanding the porch and converting lengthening windows, they would be able to blend interior and exterior space more fully. Since the house is on a terraced site, the changes will not be noticeable. Instead of windows, Mrs. Leland requested to install doors of the same design. Mrs. Leland explained that the porch roof was tin and that it had leaked into the columns, so much of the original porch detailing will require replacement.

Pete Vallas explained that changes over time such as these were common in houses. Houses don't need to be static. Restoring street life and lifestyle is important. Several options are indicated on the submitted drawings, however, the Lelands are requesting a full porch extension with deck railing.

With regard to the garage/guesthouse, Mr. Vallas explained that there would be no use change—the outbuilding is already a guest house on the second floor. In addition, the previous owner had added a story to the original garage, so that the building no longer historic. An album showing photographs of the work on the garage was passed among Board members.

In light of the evidence presented, Staff removed its conditions on proposed work to the guesthouse/garage.

Paige Drew spoke in favor of the application

Staff reported receiving one phone call in support of the project.

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

The Board questioned Mr. Vallas regarding the height of the proposed French doors. He responded that they would be 9 ½' or 10' tall.

### **BOARD DISCUSSION**

There was no additional Board discussion.

### **FINDING OF FACT**

#### **Garage:**

The Board eliminated fact 8. from the Staff Report.

Cindy Klotz moved that, based on the evidence presented in the application and during the public hearing, that the Board find the facts in the Staff report as amended above. The motion was second by Douglas Kearley and approved.

**Front porch:**

The Board modified the following facts in the Staff report

5. Double 9/1 wood doors will be located to either side of the entrance portico.
6. Eliminated
7. These two windows will be increased in length to provide access to the newly created porch bays.
8. The porch expansion will mimic the details of the existing porch.
9. The side porches will be recessed 2” from the face of the porch.

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

**DECISION ON THE APPLICATION**

**Garage:**

Cindy Klotz 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 Douglas Kearley and unanimously approved.

**Porch:**

Tilmon Brown moved that, based upon the facts found by the Board, that the application (Sheet #3 showing full porch extension) 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 Douglas Kearley and unanimously approved.

**Certificate of Appropriateness Expiration Date: 08/28/07.**

**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
CERTIFIED RECORD**

**084-05/06-CA**            1749 Hunter Avenue  
**Applicant:**            Elise Partridge  
**Received:**            8/4/06                            **Meeting Date (s):**  
Submission Date + 45 Days: 9/18/06                            1) 8/28/06    2)                            3)

**INTRODUCTION TO THE APPLICATION**

**Historic District:**        Old Dauphin Way Historic District  
**Classification:**        Contributing  
**Zoning:**                    R-1, Single Family Residential  
**Nature of Project:**     Construct 8 ft. privacy fence consisting of 6 ft. of board fencing with 2 ft. of lattice above; add 2 ft lattice to existing portions of board fence

**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.

- A. The Design Review Guidelines state that fences “...should compliment the building and not detract from it. Design, scale placement and materials should be considered along with their relationship to the Historic Districts.”
  - 1. The subject structure is a 20<sup>th</sup> century Bungalow.
  - 2. The subject structure is a contributing element within the Old Dauphin Way Historic District.
  - 3. The subject lot measures approximately 60 ft x 150 ft.
  - 4. The proposed wood fence will be 8 ft. high and be a 6 ft. board fence with 2 feet of lattice above.
  - 5. The proposed fence will encircle the rear yard and be set back from the sidewalk a distance greater than 25 ft.
  - 6. The proposed fence will be left natural to weather.
  - 7. Design Guidelines state that privacy fences are generally restricted to 6 ft. in height.
  - 8. Adjacent properties are residential rather than commercial.

Staff recommends denial of a fence that exceed 6 ft. in height unless the Board can determine that exceptional circumstances exist that would allow the construction of an 8 ft. fence.

### **PUBLIC TESTIMONY**

Elise Partridge and Holle Briskman were present to discuss the application. Ms. Partridge presented additional testimony stating that there is a commercial property along the rear property line and that she has had difficulties with property owner to the west for some time. She stated that he is abusive and has a criminal record. The request for an 8 ft. fence will be for noise abatement , a visual buffer from the neighbor's yard and privacy for Ms. Partridge whose bedroom is on the west side of the house. Ms. Partridge presented letters of support from Debra Butler at 1753 Hunter Avenue.

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**

Board discussion resulted in an amendment to the facts.

### **FINDING OF FACT**

After discussion, the Board amended fact 8 in the Staff report to read as follows:

“8. Adjacent properties are both residential and commercial.”

Cindy Klotz 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 amended. The motion was seconded by David Tharp and approved.

### **DECISION ON THE APPLICATION**

David Tharp 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 Douglas Kearley and unanimously approved.

**Certificate of Appropriateness Expiration Date: 08/28/07.**

**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
CERTIFIED RECORD**

**085-05/06-CA**            206 S. Cedar Street  
**Applicant:**            George K. Noland, Jr.  
**Received:**            8/14/06                            **Meeting Date (s):**  
Submission Date + 45 Days: 9/28/06                            1) 8/28/06    2)            3)

**INTRODUCTION TO THE APPLICATION**

**Historic District:**       Church Street East Historic District  
**Classification:**       Contributing  
**Zoning:**                 R-1, Single Family Residential  
**Nature of Project:**     Rebuild existing rear deck, roof over deck and screen enclose as per submitted plans.

**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.

1. The building is a c. 1890 Victorian shotgun with an offset rear addition.
2. The lot measures 43' x 103'.
3. There is an existing rear deck approximately 12' x 24' that is 22 ft. from the rear property line and in line with the existing house.
4. The deck is not visible from the street, but is visible from the yards of adjacent properties.
5. The Historic District Overlay Ordinance allows additions to structures in historic districts to be able to maintain lines established by the historic structures.
6. The Historic District Overlay Ordinance allows the site coverage to increase from 35% to 50%.
7. The roof is a shed addition supported by square posts.
8. If removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Staff recommends approval of the application as submitted providing the concrete block foundation is stuccoed, columns are detailed with capitals and bases, a porch screen plan is submitted and more appropriate stairs are constructed.

### **PUBLIC TESTIMONY**

The applicant and his representative, Crosby Latham, were present to discuss the application. Mr. Noland explained that a resident had fallen through the rear deck and he began to rebuild it without ARB approval. He received a stop work order. He proposes to roof the deck and screen enclose it. He explained that Mr. Latham will provide a complete set of drawings for the Board. 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**

There was no finding of fact.

### **DECISION ON THE APPLICATION**

Cindy Klotz moved to deny the application based upon lack of information. The motion was seconded by Cameron Pfeiffer and unanimously approved.



**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
CERTIFIED RECORD**

**086-05/06-CA**            954 Government Street  
**Applicant:**            Dash Neighborhood Revitalization/Wrico Signs, Inc.  
**Received:**            8/14/06                    **Meeting Date (s):**  
Submission Date + 45 Days: 9/28/06                    1) 8/28/06    2)    3)

**INTRODUCTION TO THE APPLICATION**

**Historic District:**    Oakleigh Garden Historic District  
**Classification:**    Non-contributing  
**Zoning:**            Buffer Business  
**Nature of Project:**    Install pole sign in front and 2 small signs at rear of building.

**STAFF REPORT**

**APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT**  
*Sign Design Guidelines for Mobile's Historic Districts and the Government Street Corridor*

**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 ANALYSIS**

Based on the information contained in the application, and in Staff's judgment, the items requested will not impair the historic integrity of the structure and the district. One item will impair the integrity of the structure and the district.

1. The one story masonry structure is a non-contributing structure within the Oakleigh Garden Historic District.
2. The property is under review for signage by the Architectural Review Board because of its location within the Historic District and also its location within the Government Street Sign Corridor.
3. Three signs were submitted by the sign contractor.
4. Of the three, two meet the guidelines and one did not.
5. The first design is a 50 sq. ft. pole sign to be placed in the front yard.
6. The second sign is a 2 sq. ft. sign to be placed on the back door.
7. The third design is 12 sq. ft. to hang from an existing standard at the rear of the building in the parking lot.
8. All signs are painted metal and will be non-illuminated.

Staff recommends approval of the signs conditioned on the front pole sign being a maximum of 40 sq. ft. as allowed under the Sign Guidelines.

### **PUBLIC TESTIMONY**

Mrs. Johnson with DASH was present to discuss the application. She explained that the pole sign would have black posts per the submitted drawing. The pole sign would be made of wood while the small signs posted in the rear parking lot would be metal.

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 facts in the Staff report as follows:

5. The first design is a 40 sq. ft. wood pole sign to be placed in the front yard.
6. The second sign is a 2 sq. ft metal sign to be placed on the back door.
7. The third sign is 12 sq ft. metal sign to hang from an existing standard in the rear parking lot.
8. The signs will not be illuminated.

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 as amended. 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. The motion was seconded by David Tharp and unanimously approved.

**Certificate of Appropriateness Expiration Date: 08/28/07.**

**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
CERTIFIED RECORD**

**086-05/06 – CA**            51 S. Conception Street  
**Applicant:**                Tim Burt/Michael Hallisey of Cohen Carnaggio and Reynolds  
**Received:**                8/15/06                                **Meeting Date (s):**  
**Submission Date + 45 Days:**    9/15/06                                1) 8/28/06            2)                                3)

**INTRODUCTION TO THE APPLICATION**

**Historic District:**        Not located in a historic district, but adjacent to LDSCD and CSE  
**Classification:**        Non-contributing  
**Zoning:**                 B-4, General Business  
**Nature of the Project:** Convert vacant building for business use on first floor and loft apartments on the second.

**STAFF REPORT\*\***

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...”

Based on the information contained in the application, and in Staff’s judgment, the proposed work is in compliance with the *Design Review Guidelines* and the *Lower Dauphin Street Commercial District Design Guidelines*.

*\*\*Please note that the Staff Report on the agenda was for another property and has been corrected in the meeting minutes.*

1. Historic photographs were used to return the building and entrance bay, in particular, to a more original appearance.
2. The proposed design respects the age and style of the building.
3. Existing window sashes will be retained.
4. A steel balcony will be added to the Conception Street side.
5. The rear elevation will be altered with support columns and solar screen.
6. Signs are in compliance with the Sign Design Guidelines.
7. Parking around the south and east sides of the building will be defined by a 48 in. cmu wall with mortar wash.
8. A dumpster enclosure will be created on the east side of the building with a balcony above.
9. The building will be painted in the submitted colors.

**PUBLIC TESTIMONY**

Tim Burt, owner of the property, was present to discuss the project. Even though the building is not located in a historic district, it is adjacent to both the Lower Dauphin Street and Church Street Districts. The owner asked the Board for their comments on the project.

Mr. Burt explained that the east elevation was not brick but metal lath and concrete that he could not remove. He had uncovered cast iron columns that will be reused.  
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**

There was no finding of fact.

**DECISION ON THE APPLICATION**

While there was no decision on the application, the Board considered that the project will be highly visible and important for the area and gave a vote of confidence to Mr. Burt.

**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
CERTIFIED RECORD**

**087-05/06 – CA**            155 Marine Street  
**Applicant:**                Tuan Titlestaad/Douglas Kearley, architect  
**Received:**                8/14/06                            **Meeting Date (s):**  
Submission Date + 45 Days:    9/28/06                            1) 8/28/06    2)                            3)

**INTRODUCTION TO THE APPLICATION**

**Historic District:**        Oakleigh Garden Historic District  
**Classification:**        Contributing  
**Zoning:**                    R-1, Single family residential  
**Conflicts of Interest:** Douglas Kearley was not present for discussion and voting on the application.  
**Nature of the Project:** Renovate existing building per the submitted plans. Recent rear addition to be rebuilt to match existing; install new section of privacy fence and repair existing portions of fencing.

**STAFF REPORT**

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. . .

Based on the information contained in the application, and in Staff’s judgment, the proposed work is in compliance with the *Design Review Guideline*.

1. The one story frame residential structure dates from 1892.
2. Only a few turned posts remain on the front porch and the railing is missing.
3. Dormer to be installed on south side and a skylight to be installed on the north slope of the roof.
4. Chain link fence to be removed and a wood privacy fence to be installed on north side.
5. Existing wood fencing to be repaired.
6. New Victorian details to be added per existing photographs.
7. Porch to be added on rear elevation.
8. Paint colors to be submitted at a later date.

Staff recommends approval of the application as submitted.

**PUBLIC TESTIMONY**

Neither the applicant nor his representative was present to discuss the application. 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**

The Board considered that there were discrepancies in the drawings submitted with the application. One elevation showed the addition of a single dormer; in another location, two dormers were shown. The Board questioned the use of windows of varying lite configurations. The Board also had questions pertaining to the materials to be used on the front elevation. It was the conclusion of the Board that a section through the second floor might help clarify the application.

### **FINDING OF FACT**

There was no finding of fact.

### **DECISION ON THE APPLICATION**

Cameron Pfeiffer moved that the application be denied based on a lack of information. The motion was seconded by Jim Wagoner and approved.

**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
CERTIFIED RECORD**

**089-05/06 – CA**            308 St. Louis Street  
**Applicant:**                Renaissance Development Company, LLC/ John Dendy & Associates, Architects  
**Received:**                 8/10/06                                **Meeting Date (s):**  
Submission Date + 45 Days:    9/24/06                                1) 8/28/06                                2)                                3)

**INTRODUCTION TO THE APPLICATION**

**Historic District:**        DeTonti Square Historic District  
**Classification:**        Noncontributing  
**Zoning:**                    B-4  
**Nature of the Project:** Renovate buildings on the block into 21 residential condominiums. Also create indoor parking. Only a single lot is in the historic district, but following precedent set by other projects, the entire project will be reviewed by the ARB.

**STAFF REPORT**

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…”

Based on the information contained in the application, and in Staff’s judgment, the proposed work is in compliance with the *Design Review Guidelines*. This project respects the individual character of each building unit and concentrates on revealing their matter of fact industrial features.

1. Six separate buildings on the block will be combined in this project.
2. The existing massing of all buildings will be retained.
3. Many sealed window and door openings on all elevations will be reinstated as part of the project.
4. Bldg A, the former Mobile fixture building, will retain its window openings on the second floor on both the north and west elevations.
5. Bldg A will retain 3 bay first floor openings with the upper panel demolished and new glass and door infill .
6. Bldg A openings will be reinstated on the west elevation and new windows will be installed with awnings placed over the windows.
7. A garage door will be installed on the west elevation.
8. New roof with new cap and flashing to be installed on all buildings as well as gutters and downspouts.
9. All masonry walls to be repaired to match existing.
10. All existing windows to be repaired and reglazed.
11. Install iron fence on east elevation.

Staff recommends approval of the application as submitted.

### **PUBLIC TESTIMONY**

Ana Goodman of John Dendy and Associates Architects was present to discuss the application. She explained that there would be an aluminum metal fence in one location.

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.

Staff corrected fact 11 that described an iron fence on the east elevation. That fence will be a wood privacy fence.

### **BOARD DISCUSSION**

Board members had difficulty reading the drawings and objected to dimensions not being indicated on the drawings. The Board requested separate demolition drawings and elevations. One Board member cautioned the applicant to check egress requirements for living spaces since many infilled original window openings are being reopened. A section of herringbone sidewalk should be saved.

### **FINDING OF FACT**

There was no finding of fact.

### **DECISION ON THE APPLICATION**

Douglas Kearley moved that the application be tabled for additional information. The motion was seconded by Cindy Klotz and unanimously approved.