



Architectural Review Board Minutes

September 6, 2023 – 3:00 P.M.

ADMINISTRATIVE

The meeting was called to order at 3:00 p.m.

1. Roll Call

Annie Allen, Historic Development staff, called the roll as follows:

Members Present: Catarina Echols, Stephen Howle, Karrie Maurin, Stephen McNair, Cameron Pfeiffer-Traylor, Jennifer Roselius, and Barja Wilson

Members Absent: Cartledge Blackwell and Abby Davis

Staff Members Present: Annie Allen, Hannon Falls, Dana Foster, Marion McElroy, Bruce McGowin, John Sledge, Kim Thomas, and Meredith Wilson

2. Approval of Minutes from August 16, 2023

Ms. Roselius moved to approve the minutes from the August 16th meeting.

The motion was seconded by Ms. Pfeiffer-Traylor and approved unanimously.

3. Approval of Mid-Month COAs granted by Staff

Three (3) members of the public came forward to speak regarding a mid-month COA issued for 1254 Selma Street.

Mr. James Squillante, who resides at 166 S. Georgia Avenue, requested that the project be further modified. He stated his opinion that the *Guidelines* generally steer us in the right direction but in this case the *Guidelines* do not fit due to aesthetics and safety concerns. The house is on Selma with an adjoining lot that will be fenced along the ROW of S. Georgia Avenue, which breaks tradition of the first block of S. Georgia, where every home is uniformly aligned with existing fence setbacks. This will disrupt and divide the first block into two blocks. He contended that the issue isn't the integrity of the fence but safety concerns, stating that the disrupted sightlines are unsafe for children in the area. He added that future landscaping would further the obstructed sightline. He requested that the fence be moved back to where the adjoining homes' front planes face the street.

Ms. Sherry Hewitt who resides at 170 S. Georgia Avenue stated that she opposes the fence. She added her opinion that the houses are aligned in the same plane along S. Georgia Avenue and the fence would ruin the streetscape, which is part of the original design of the neighborhood. She stated her opinion that the fence violates chapter 10 of the *Guidelines* which states it must be compatible with neighborhood and no higher than 36", where the approved fence is 4' and goes to sidewalk. She added that the fence creates a visual and physical

barrier to the residents on S. Georgia. She requested that the fence be set back in line with the houses on the street and not exceed 36”.

Mr. Tom Hewitt of 170 S. Georgia Avenue stated that the allowance of this fence will establish a precedent which will be taken advantage of by certain residents to move their gardens to the street. He added the consequences of allowing this fence means there is nothing to dictate how the property would be used in the future.

Ms. Echols stated that the Board would vote on the mid-month COAs, with the exclusion of the one for 1254 Selma Street property, until the Board has had more time to review the project.

Ms. Echols moved to approve the mid-month COAs granted by Staff.

Ms. Roselius seconded the motion, and it was approved unanimously.

Assembly Room, Mobile Government Plaza, 205 Government Street
For more information, please visit: <http://www.mobilehd.org/>

MID-MONTH APPROVALS - APPROVED

- 1. Applicant:** All Weather Roofing and Construction LLC
Property Address: 362 McDonald Avenue
Date of Approval: 08/08/2023
Project: Reroof in-kind with architectural shingles in charcoal color.
- 2. Applicant:** Murphy Bishop II
Property Address: 1410 Government Street
Date of Approval: 08/08/2023
Project: Construct a 6'-high lattice fence parallel to the street and 8'- high wood privacy fencing along property line contiguous with multi-family property to west, per plans on file.
- 3. Applicant:** Farris Properties (Oakleigh Village)
Property Address: 100 St. Joseph Street
Date of Approval: 08/09/2023
Project: All work to be performed to NPS standards:
1. Refinish the stucco exterior.
2. Rework some boards on the decking.
3. Repair the existing windows. A few previously bricked up windows on the north elevation will be reopened.
- 4. Applicant:** 195, LLC
Property Address: 161 State Street
Date of Approval: 08/09/2023
Project: Remove existing shingle roof and replace with new architectural shingle roof in similar color as existing (black/grey).
- 5. Applicant:** Farris Properties (Oakleigh Village)
Property Address: 1105 Selma Street
Date of Approval: 08/09/2023
Project: Paint the exterior (brick and trim) White Duck.
- 6. Applicant:** The City of Mobile
Property Address: 150 Dauphin Street
Date of Approval: 08/09/2023
Project: Demolish existing fountain basin and seating wall.
- 7. Applicant:** Robert/Helen Chapelle
Property Address: 1254 Selma Street
Date of Approval: 08/09/2023
Project: 1. Move existing fence location eastward to run along east property line which fronts Georgia Avenue.

2. Replace existing 6' metal fence with a 4' metal fence. The new fence will match the current fence in length from north to south along the east property line, except for the length of the existing gate to the south, which will remain in its current location. The new fence will also run east to west from the east property line back to the former fence location, both along the north property line and just north of the existing gate.

Item #7 Not approved – held over for additional consideration

8. **Applicant:** Satsuma Rental
Property Address: 1212 New St. Francis Street
Date of Approval: 08/09/2023
Project: Install new concrete driveway & repair/replace the sidewalk.
9. **Applicant:** The Construction Expert LLC d/b/a Mobile Roofing & Construction
Property Address: 51 N. Monterey Street
Date of Approval: 08/10/2023
Project: Reroof in-kind with CertainTeed Landmark architectural shingles. Color: either Pewter or Black
10. **Applicant:** Octavia Jackson
Property Address: 364 Tuttle Street
Date of Approval: 08/15/2023
Project: Reroof in-kind with architectural shingles. Color: Charcoal
11. **Applicant:** American Roofing and Construction LLC
Property Address: 254 N. Jackson Street
Date of Approval: 08/15/2023
Project: Replace existing shingle roof for a new shingle roof, color: black
12. **Applicant:** All Weather Roofing and Construction LLC
Property Address: 1057 Texas Street
Date of Approval: 08/16/2023
Project: Reroof in-kind with Landmark Pro shingle. Color: Resawn Shake
13. **Applicant:** Alliance Roofing LLC
Property Address: 256 S. Cedar Street
Date of Approval: 08/16/2023
Project: Reroof in-kind with architectural shingles. Color: Charcoal
14. **Applicant:** Chad E. Foster
Property Address: 255 Michigan Avenue
Date of Approval: 08/18/2023
Project: Reroof in-kind using architectural shingles. Color: Grey
15. **Applicant:** Harzo Inc.
Property Address: 1157 Old Shell Road

- Date of Approval:** 08/18/2023
Project: Reroof in-kind with architectural shingles. Color: Coastal Granite
16. **Applicant:** Fortified Exteriors LLC
Property Address: 264 Roper Street
Date of Approval: 08/16/2023
Project: Reroof in-kind with LandMark architectural shingles. Color: Moire Black
17. **Applicant:** Pixallure Design
Property Address: 452 Government Street
Date of Approval: 08/21/2023
Project: Install a single-face 10'x2' wall sign which will sit within the panel above the front entrance. The materials will consist of a 1/8" max metal substrate covered with a 4-color digital print on premium vinyl. Colors will be consistent with provided plans.
18. **Applicant:** Eric Johnson
Property Address: 110 Bush Avenue
Date of Approval: 08/22/2023
Project:
 1. Replace damaged decking wood on front porch with in-kind cedar wood materials.
 2. Repair and replace wood window frame on west façade with in-kind materials.
 3. Replace damaged wood clapboard siding where needed on exterior of house with in-kind materials.
 4. Repaint exterior in the following colors:
 - Main: Churchill Hotel Ivory
 - Trim: Betsy's Linen
 - Front door: Lake Breeze
 - Porch Steps: Red
19. **Applicant:** 1160 Elmira, L.L.C.
Property Address: 1160 Elmira Street
Date of Approval: 08/22/2023
Project: Construct 8' wood fencing on east and west property lines.
20. **Applicant:** Robert Allen
Property Address: 959 Augusta Street
Date of Approval: 08/25/2023
Project: Reroof in-kind with GAF Timberline HDZ shingles. Color: slate

APPLICATIONS

1. 2023-42-CA

Address: 66 S. Royal Street
Historic District: Church Street East
Applicant / Agent: Douglas Kearley on behalf of Kay & Gina Jo Previto
Project: Remove existing metal mansard canopy and brick veneer to expose existing transom windows. Replace existing storefront windows with aluminum windows and install aluminum canopy.

APPROVED - **CERTIFIED RECORD ATTACHED**

~~2. 2023-43-CA~~ **This item has been withdrawn by the applicant.**

~~**Address:** 900 Government Street
Historic District: Oakleigh Garden
Applicant / Agent: Dunn Unlimited, Inc. on behalf of Murphy USA
Project: Install two (2) internally lit monument signs with total signage of approximately 200 square feet~~

3. 2023-44-CA

Address: 1212 New Saint Francis Street
Historic District: Old Dauphin Way
Applicant / Agent: Satsuma Rental
Project: After-the-Fact: Replace all windows with vinyl sash windows

TABLED - **CERTIFIED RECORD ATTACHED**

~~4. 2023-45-CA~~ **This item has been deferred to a later meeting.**

~~**Address:** 54 N. Cedar Street
Historic District: Lower Dauphin Street Commercial
Applicant / Agent: Janice Morrison
Project: Demolish one-story single-family residence~~

5. 2023-46-CA

Address: 1050 New Saint Francis Street
Historic District: Old Dauphin Way
Applicant / Agent: Scott Miller
Project: Demolish non-historic garage

APPROVED - **CERTIFIED RECORD ATTACHED**

6. 2023-47-CA / 2023-48-CA

Address: 918 & 920 Conti Street
Historic District: Old Dauphin Way
Applicant / Agent: MAMGA Nineteen Thirty-Eight Legacy LLC
Project: Move two (2) contributing structures to 661 Hickory Street

DENIED - **CERTIFIED RECORD ATTACHED**

OTHER BUSINESS

The next ARB meeting is scheduled for September 20, 2023.



Agenda Item #1

Application 2023-42-CA

CERTIFIED RECORD

DETAILS

Location:

66 S. Royal Street

Summary of Request:

Remove existing metal canopy and brick veneer to expose existing transom windows. Replace existing storefront windows with aluminum windows and install aluminum canopy.

Applicant (as applicable):

Douglas Kearley

Property Owner:

Kay and Gina Jo Previto

Historic District:

Church Street East

Classification:

Contributing

Summary of Analysis:

- The proposed alterations for the east elevation comply with the *Guidelines'* directive to restore the historic character of a commercial façade.
- All intended repairs are in-kind and thus comply with the *Design Review Guidelines*.
- The installation of a new aluminum canopy is consistent with appropriate placement and materials suggested by the *Guidelines*.

Report Contents:

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PROPERTY AND APPLICATION HISTORY

Church Street East Historic District was initially listed in the National Register in 1971 and is one of the city's oldest historic districts. There were two small boundary increases in 1984 and 2005 (including the subject property). The district is notable for a mix of governmental, commercial, and residential architecture in a variety of styles dating from the 1820s to the early 20th-century.

Per the National Register nomination, the one-part, one-story commercial building at 66 S. Royal Street was constructed c. 1900. However, a review of historic maps raises the probability that the structure is earlier. A row of long, narrow buildings, apparently commercial, appears along the west side of Royal Street north of Government on the 1878 Hopkins ward map of Mobile. The 1885, 1891, 1904, and 1924 Sanborn fire insurance maps show a one-story brick structure in this location. All four Sanborn maps depict a gallery or awning on the façade of the subject property.

Per the vertical files of the Historic Development Department, this property has appeared once before the Architectural Review Board (ARB). In 2022 a COA was issued to construct a balcony on the east elevation and install fencing/guard rail at the parapet wall.

SCOPE OF WORK

1. Remove existing metal awning and brick veneer to expose existing windows and door.
2. Replace existing storefront with a new storefront.
 - a. New storefront would fit the width of the existing opening and would measure approximately 5'-6" high.
 - b. The three-part new storefront would consist of a bronze finish aluminum frame with clear tempered glass that meets the 159 mph wind and impact resistance.
3. Repair existing transom windows.
 - a. Repair and/or replace in-kind existing wood frame and sash.
 - b. Replace in-kind broken and missing glass.
 - c. Remove paint from inside of glass and sand frame.
 - d. Prime and paint all wood.
4. Repair and replace stucco façade.
 - a. Rake out cracks and re-stucco where needed. Stucco existing masonry at bulkhead.
 - b. Existing door opening at bulkhead would be filled with CMU and stucco.
 - c. Scrape, prime and paint stucco façade.
5. Install new prefinished aluminum canopy.
 - a. The new canopy would be located above the transom windows, spanning the width of the transom windows.
 - b. The canopy would project 6'-0" from the building's façade.
 - c. The canopy would be mounted onto the elevation with four hanger rods bolted to the façade, which would be regularly spaced across the elevation.

APPLICABLE STANDARDS (*Design Review Guidelines for Mobile's Historic Districts*)

1. **7.1** Preserve the key character-defining features of a historic commercial façade.
2. **7.2** Repair an altered storefront to its original design.
 - Use historic photographs when determining the original character of a storefront design.
 - Where evidence does not exist, use a contemporary interpretation of a traditional storefront.
 - Consider retaining a non-original storefront where it has achieved historic importance as an option.
 - Do not remove a façade veneer if it may cause serious damage to the original historic materials underneath (i.e. historic brick).
3. **7.3** Retain an original bulkhead as a decorative panel.

- Retain the bulkhead below the display window.
 - If the original bulkhead is covered with another material, consider exposing the original design.
 - If the original bulkhead is missing, develop a sympathetic replacement design that is similar in profile, texture and durability to the original.
4. **7.5** Retain the original shape of the transom in a historic storefront.
 - Preserve the historic transom shape and configuration.
 - Add new glass if the original glass is missing.
 - Do not remove or enclose a transom.
 - If a transom must be blocked out, retain the original proportions.
 5. **7.6** Replace a historic storefront to be consistent with the historic location.
 - Locate a new storefront in the same plane as it was historically.
 - Do not recess or project a replacement storefront from the front façade.
 - Screen service panels and trash containers that must be attached to an exterior building wall.
 6. **7.7** Preserve and repair original materials on a historic commercial building whenever possible.
 - Do not paint over exposed brick.
 - Strive to preserve materials on the sides and rear of a historic commercial building where possible.
 - Brick is the most common façade material, but in some cases stucco has been applied to an original brick façade.
 - If brick repair is required, match the mortar color, consistency and strike to the original as closely as possible.
 7. **7.8** If replacement of some material is required, use a material that is similar to that of the original.
 - Use replacement mortar that is as soft as or softer than the original. Type O mortar is required for historic soft brick.
 - Use true stucco instead of an imitation material.
 - Do not use a rustic finish on masonry that will simulate aged masonry.
 8. **7.18** Preserve and repair an original detail or ornamentation on a historic commercial building.
 - Maintain the original space patterns and location of windows. Most display windows have a bulkhead below and a transom above.
 - Preserve the size and shape of an upper story window.
 - Consider maintaining a Carrara glass or glass block storefront if it has attained historic significance as an alteration.
 9. **7.19** If required, replace original historic windows to be compatible with the windows on the original historic building.
 - Use large panes of glass that fit the original opening for a display window. Where a display window is no longer required, the ARB will consider an alternative design.
 - Do not use opaque treatments for a window, including black plexiglass. Do not paint a window. Do not use reflective mirror glass for a window.
 - Unless evidence exists from existing buildings or historic photographs, do not use a multi-pane design that divides the storefront window into smaller components.
 - Use a tempered glass window if required by the building code.
 - Reopen an upper story window if it is blocked.
 - If reopening an upper story window is not feasible, use a fixed shutter to define the original proportion of the window opening.
 10. **7.21** If required, replace or add shutters and awnings to maintain and keep visible the key features of a historic building.
 - Fit a replacement awning or shutter to the precise window or door opening.
 - Use a shutter that appears to be operable.
 - Use an awning with a profile similar to that of a historic awning.

STAFF ANALYSIS

The subject property is a contributing commercial resource within the Church Street East district. The application under review includes the removal of the existing metal awning; the replacement of the existing storefront with a new storefront; and the repair and repainting of existing transom windows, bulkhead, and stucco façade.

The *Guidelines* direct that an altered storefront be repaired to its original character, preserving defining features of a building's façade. The application has accomplished these directives in its proposal to uncover the historic transoms and historic bulkhead by removing the later added awning and brick veneer. The planned in-kind repairs to the façade (including the transom windows, bulkhead, and veneer) would further respond to the *Guidelines'* instruction to preserve and repair original materials. (7.1-7.3, 7.5-7.8, 7.18)

The proposed new storefront would fit the opening of the existing storefront and is consistent in location and materials with a traditional storefront on a historic commercial structure. (7.6, 7.19) Historic maps reveal that this property historically boasted either a gallery or awning. The intended location of the new metal canopy would maintain the visibility of key façade elements and would help to define the traditional storefront, as recommended by the *Guidelines*. (7.21)

PUBLIC TESTIMONY

Mr. Douglas Kearley was present to represent the applicant and added that the Old Chicago Brick veneer will be removed from the façade.

No one else was present to discuss the application, and no written comment was received regarding this agenda item.

BOARD DISCUSSION

There were no questions or comments from the Board.

FINDING FACTS

Mr. McNair moved that, based on the evidence presented in the application, the Board finds the facts in the Staff's report.

Ms. Pfeiffer-Traylor seconded the motion, and it was approved unanimously.

DECISION ON THE APPLICATION

Mr. McNair moved that, based on the facts approved by the Board, the application does not impair the architectural or historic character of the subject property or the district and should be granted a Certificate of Appropriateness.

Ms. Wilson seconded the motion, and it was approved unanimously.



Agenda Item #3
Application 2023-44-CA
CERTIFIED RECORD

DETAILS

Location:

1212 New St. Francis Street

Summary of Request:

1. After-the-fact: Replace all windows with vinyl sash windows
2. Replace/Install new siding.

Applicant (as applicable):

Satsuma Rental

Property Owner:

Same

Historic District:

Old Dauphin Way

Classification:

Contributing

Summary of Analysis:

- The current windows match the original window openings and are of an appropriate light configuration.
- Vinyl is not an approvable window material for Mobile’s historic districts.
- The wood lap siding present on the building’s façade appears to be in reparable condition.
- Wood lap siding is an appropriate replacement for all elevations of the building, with Hardie plank siding being an appropriate replacement material for all non-primary elevations.

Report Contents:

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PROPERTY AND APPLICATION HISTORY

Old Dauphin Way Historic District was initially listed in the National Register in 1984 under Criterion C for significant architecture and community planning. The district includes most nineteenth-century architectural styles and shows adaptations of middle-class domestic designs of the nineteenth century to the regional, Gulf Coast climate. It includes “fine examples of commercial, institutional, and religious structures as well as 20th-century apartments.”

The dwelling at 1212 New Saint Francis Street is a two-bay frame one-story cottage with restrained Victorian detailing. According to MHDC vertical files, the structure was constructed c. 1900. The 1904, 1925, and 1956 Sanborn Insurance Map overlays depict a frame dwelling, matching the rectangular form of the current structure, and consisting of the same recessed front porch spanning the west bay. In 2007, a rear porch was added along with two gabled dormers on the east elevation.

According to Historic Development Department records, this property has appeared once before the Architectural Review Board (ARB). In 2007, work at the property was approved which included adding two gabled dormers on the east elevation, construction of a rear porch, repairing damaged elements, and reroofing the structure.

SCOPE OF WORK

1. (After-the-fact) Replace all windows (and install where windows are missing) with Atrium single-hung vinyl windows to fit existing window openings.
2. Replace siding on all elevations with wood lap siding to match existing or Hardie plank lap siding.

APPLICABLE STANDARDS (*Design Review Guidelines for Mobile's Historic Districts*)

1. 5.4 Preserve original building materials.
 - Repair deteriorated building materials by patching, piecing-in, consolidating or otherwise reinforcing the material.
 - Remove only those materials which are deteriorated, and beyond reasonable repair.
 - Do not remove original materials that are in good condition.
2. 5.7 When replacing materials on a non-primary façade or elevation, match the original material in composition, scale and finish.
 - Use original materials to replace damaged materials on a non-primary façade when possible.
 - The ARB will consider the use of green building materials, such as those made with renewable and local resources to replace damaged materials on a nonprimary façade if they do not impact the integrity of the building or its key features.
 - Use alternative or imitation materials that match the style and detail of the original material to replace damaged non-primary building materials.
 - Replace exterior finishes to match original in profile, dimension and materials.
3. 5.20 Preserve the functional historic and decorative features of a historic window.
 - Where historic (wooden or metal) windows are intact and in repairable condition, retain and repair them to match the existing as per location, light configuration, detail and material.
 - Preserve historic window features, including the frame, sash, muntins, mullions, glazing, sills, heads, jambs, moldings, operation, and groupings of windows.
 - Repair, rather than replace, frames and sashes, wherever possible.
 - For repair of window components, epoxies and related products may serve as effective solutions to material deterioration and operational malfunction.

4. 5.21 When historic windows are not in a repairable condition, match the replacement window design to the original.
 - In instances where there is a request to replace a building's windows, the new windows shall match the existing as per location, framing, and light configuration.
 - Use any salvageable window components on a primary elevation.

5. ACCEPTABLE WINDOW MATERIALS

Materials that are the same as the original, or that appear similar in texture, profile and finish to the original are acceptable. These often include:

- Wood sash
- Steel, if original to structure
- Custom extruded aluminum
- Aluminum clad wood
- Windows approved by the National Park Service

UNACCEPTABLE WINDOW MATERIALS Materials that do not appear similar to the original in texture, profile and finish are unacceptable. These often include:

- Vinyl
- Mill-finished aluminum
- Interior snap-in muntins (except when used in concert with exterior muntins and intervening dividers)

STAFF ANALYSIS

The subject property is a contributing resource within the Old Dauphin Way Historic District. The application under review seeks after-the-fact approval of the installation of new vinyl windows which fit the existing window openings, and the proposal of new wood lap siding on the façade and Hardie plank lap siding on side and rear elevations.

The one-over-one vinyl windows were recently installed in all extant window openings on the structure. Photos show that prior to installation, window openings on the east elevation were covered with plywood. Earlier photographic evidence reveals deterioration and empty window openings on this elevation with extant wood windows on the south (façade) and west elevations. According to the applicant, these extant windows were in an extreme deteriorated state, and although there was evidence of inferior efforts to maintain the windows, the windows were not salvageable. Historic Development Department records show that two-over-two wood windows with true divided lights were approved for installation in the gables on the east elevation; however, it is unclear if these windows were ever installed. If they were installed, satellite imagery reveals that they were no longer extant by 2011.

The *Guidelines* recommend that historic windows that are intact and in repairable condition be retained and repaired, and those that are not repairable be replaced with new windows that are consistent with the existing in location, framing, and light configuration. (5.20, 5.21) The one-over-one vinyl replacement windows are compatible with existing window openings, and although photographs demonstrate evidence of a previous two-over-two light configuration, the one-over-one configuration is appropriate to the design and style of the building. The *Guidelines* further note that vinyl is not an approved window material for contributing properties within Mobile's historic districts. (5.21)

The *Guidelines* direct that original building materials be repaired rather than replaced, when possible, and that original materials that are in good condition remain in place. On non-primary elevations, the *Guidelines* call for green materials that imitate the original in profile and dimension, such as Hardie plank, to be considered as acceptable replacement materials providing they sustain the integrity of the building. (5.4, 5.7) The wood lap

siding extant on west bay of the façade appears to be in good or repairable shape. New wood lap siding that matches the existing in profile and dimensions would be a fitting and compliant replacement material for the east bay under the porch and around the entry door. The non-primary elevations currently have minimal siding and could be re-clad in either new wood lap siding or an appropriate Hardie plank material.

PUBLIC TESTIMONY

Mr. Josh Wilson was present to discuss the application. He stated that the omission of window installation from the building permit and COA applications was an honest mistake. He noted that other parts of the project will be impacted if the current windows have to be replaced with single-paned, less efficient windows. It will affect the load configuration of the HVAC system that has already been installed based off of the capacities of the current windows. He added that he would like to see the project comply with the historic district's *Guidelines*, but removing the windows would have significant financial implications for the project.

Ms. Dee Carglino of 1158 New St Francis Street came forward to speak in opposition to the application. She stated that she is a former owner of the subject property and added that when work commenced under the current owner, existing sashes that were left for renovation were thrown away along with original moldings. She added that the window frames and front door opening were cut out of the house to allow for the vinyl windows. She contended that it is unlikely that those authorizing this work did not know that these alterations are not permitted in historic districts. Ms. Carglino expressed to the Board that she recommends that the house be restored as close as possible to its original condition.

Written comments in favor of the application were received from one member of the public.

BOARD DISCUSSION

Ms. Traylor asked if the front door is part of the current application. Ms. Allen replied that the current application only includes the after-the-fact window installation and proposed siding installation.

Ms. Traylor asked, in terms of an after-the-fact approval, what the Board is tasked with looking at in the entirety of the work that has been done to the structure versus the work seeking approval in the application. Ms. Allen responded that in terms of the after-the-fact approval of the vinyl window installation, the Board is tasked with determining whether the work is compliant with the Guidelines, and if not, what appropriate mitigations may be implemented.

Ms. Traylor asked Staff if the three intact sash windows mentioned in the Staff report are still present at the property. Ms. Allen replied that to her knowledge, they are still present.

Ms. Traylor asked Ms. Allen if all changes and alterations completed at the property should be considered by the Board in review of this application. Ms. Allen responded that only the window installation should be considered for this application.

Ms. Roselius asked Staff if the COA mentioned by the applicant included the other alterations at the property such as the front door. Ms. Wilson responded that the only exterior work mentioned in the building application was painting and landscaping. Staff informed the applicant that a COA was required for those exterior projects, and the applicant submitted a COA application including only those projects in the scope of work. Staff received a phone call that windows were being replaced at the property, and at that time, a Stop Work Order was issued.

Ms. Traylor asked the applicant if he referenced any other exterior work – for example the windows or the front door – in the COA application. Mr. Wilson replied that he was not sure.

Mr. McNair asked the applicant if a new double-hung, double-pane aluminum-clad wood window, which is currently an approvable material, would work with the HVAC load configuration. Mr. Wilson replied that from a functionality standpoint, yes, an aluminum-clad double-pane window would work.

Ms. Traylor asked the applicant how many windows were replaced with vinyl. Mr. Wilson replied that only four were replaced, that there were no windows in the other openings, but that in total, there are 12 new windows.

Ms. Traylor asked if those four were original or replacements. Mr. Wilson stated that the four, three of which are extant on the property, were not original.

Ms. Traylor asked for Staff's input regarding the three extant windows. Ms. Wilson stated that when Staff examined the wood sash windows on at the property, it was difficult to determine whether they were reconstructions or had been refurbished, but that they are historically accurate replicas, if they are replicas.

Ms. Traylor asked Staff if there was a previous COA issued for two-over-two wood windows at this property. Ms. Wilson replied that there was a COA previously issued for the dormers.

Ms. Roselius asked if any exterior trim pieces were retained. Mr. Wilson responded that no exterior trim was removed.

Ms. Roselius asked the applicant if he had given any thought as to how the visual impact of the vinyl windows and surrounding trim could be mitigated, such as maybe swapping out the façade (front) window with one of the wood windows, and would this option appropriately maintain the functioning of the HVAC system. Mr. Wilson stated that the plan is to extend the top plate and trim all the window frames; and replacing the front window would not impact the functioning of the HVAC system.

Ms. Roselius asked if the proposed wood and/or lap siding will match existing in profile and dimension. Mr. Wilson replied that it would.

Mr. McNair asked how many windows are facing the ROW. Mr. Wilson responded that the east and west elevations are not visible from the street.

Ms. Pfeiffer-Traylor advised Mr. Wilson that any exterior work will require a COA, so he should present all proposed work at the same time to avoid unnecessary effort on his part.

Ms. Echols asked the applicant if he would be amenable to tabling the application and meeting with members of Staff and the Board to come to an appropriate resolution which mitigate the concerning issues in the application. Mr. Wilson responded that he would.



Agenda Item #5
Application 2023-46-CA
CERTIFIED RECORD

DETAILS

Location:

1050 New St. Francis Street

Summary of Request:

Demolish garage structure at rear of property

Applicant (as applicable):

Alton Miller, Jr.

Property Owner:

Geoffrey and Anna McGovern

Historic District:

Old Dauphin Way

Classification:

Contributing

Summary of Analysis:

- The garage structure proposed for demolition is a much later addition of inferior quality to the main structure. It is also in a state of disrepair.
- The demolition of the subject structure at the rear of the lot would have little visual impact on the surrounding historic district.

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PROPERTY AND APPLICATION HISTORY

Old Dauphin Way Historic District was initially listed in the National Register in 1984 under Criterion C for significant architecture and community planning. The district includes most nineteenth-century architectural styles and shows adaptations of middle-class domestic designs of the nineteenth century to the regional, Gulf Coast climate. It includes “fine examples of commercial, institutional, and religious structures as well as 20th-century apartments.”

The property at 1050 New St. Francis Street is a single-story cross-gabled frame cottage set on brick piers. The property is a corner lot with open sightlines from both New St. Francis and Pine Streets. The dwelling was likely constructed in 1893 by John Rondeau. The house features minimal ornamentation in keeping with the modest “folk Victorian” style of the late 19th Century, including a simple wood cornice with decorative molding, original 6-over-9 box-head windows, and the four-panel wood main entry door with rectangular transom above.

The two-bay garage addition is a simple wood frame structure with a slab-on-grade foundation. It is approximately 20 feet wide by 20 feet deep with a gabled roof in line with the cross-gable of the house. Each of the car bays features a double-leaf door made of vertical wood boards nailed to a wood frame. The automobile bays are the only openings into the garage. The exterior is clad in horizontal wood clapboards.

The garage is located behind the structure and abuts the north elevation of the west cross-gable wing. Given its placement, the garage is not visible from New St. Francis Street. However, it is partially visible from Pine Street.

This property previously appeared before the ARB in 2008, when the board approved installation of the existing 5-V-Crimp metal roof.

SCOPE OF WORK

1. Demolish garage located at rear of property.

APPLICABLE STANDARDS (*Design Review Guidelines for Mobile’s Historic Districts*)

Guidelines for Demolition

1. Consider the current significance of a structure previously determined to be historic.
2. Consider the condition of the structure in question. Demolition may be more appropriate when a building is deteriorated or in poor condition.
3. Consider whether the building is one of the last remaining positive examples of its kind in the neighborhood, county, or region.
4. Consider the impact that demolition will have on surrounding structures, including neighboring properties, properties on the same block or across the street, or properties throughout the individual historic district.
5. Consider whether the building is part of an ensemble of historic buildings that create a neighborhood.
6. Consider the future utilization of the site. **(12)**

STAFF ANALYSIS

The subject property is a contributing resource within the Old Dauphin Way Historic District. The application under review includes the proposed demolition of an existing non-original rear garage addition.

The *Guidelines* require that the following be considered when a demolition is proposed: the architectural significance of the building, the impact the demolition will have on the streetscape, and the nature of future utilization of the site.

Significance

The garage structure proposed for demolition is not original to the existing historic home and is likely less than 50 years old. It does not appear on the 1956 Sanborn Fire Insurance map. Aerial photographs from 1960 and 1967 do not show a convincing outline with the same footprint as the extant garage. The first known documentation of the garage is a site plan in a 1977 encroachment dispute. It is believed the garage was constructed about this time.

The simple structure is not indicative of a particular architectural style and does not represent a rare or unique building typology in the Old Dauphin Way Historic District. An attempt was made to relate the addition to the main dwelling, as evidenced in the gable roof and horizontal clapboard siding. However, the garage lacks the same refined, if modest, ornamental details of the main structure. Instead of the wood cornice molding found on the main house, the garage features a flat soffit made of plain sawn boards. Apart from the double-leaf garage doors, the building features blank clapboard walls with no window openings or ornamental details.

Condition

The Guidelines state that “demolition may be more appropriate when a building is deteriorated or in poor condition.” The garage addition at 1050 New St. Francis Street is in an advanced state of deterioration that would require considerable replacement of existing materials and reconstruction of sections of one or more walls to rectify. The wood siding and corner boards sit directly on the concrete pad at grade level, making them vulnerable to rising damp. There is evidence of rot at several areas of the wood siding and corner boards at and immediately above grade. Most significantly, the west wall of the structure is falling outward and separating from the north wall and the roof framing. The northwest corner of the structure is, therefore, entirely open to the elements.

Impact on the Street and District

Given its lack of architectural detail and modern date of construction, the garage does not contribute significantly to the historic context or appearance of the property at 1050 New St. Francis Street. Demolition of the garage therefore will not detract from the architectural or historic integrity of the property or the district as a whole. On the contrary, demolition would improve visibility of the original structure from Pine Street. As it stands today, the non-historic garage addition obscures the view of the rear of the historic dwelling from Pine Street. Removal of the garage structure would, therefore, reestablish historic sightlines to and from the rear of the dwelling.

Nature of Proposed Development

The applicant has not provided concrete plans for the site after demolition of the garage structure. The applicant has discussed with staff the possibility of relocating the exterior HVAC condenser unit from the side yard to the rear within the footprint of the garage structure. This relocation of the HVAC equipment would lessen its visual impact from the public right-of-way. It should be noted that, regardless of its location, the condenser unit will be screened behind wooden pickets to match the existing wood fence.

The garage structure at 1050 New St. Francis Street is a non-historic addition believed to be younger than fifty years old. While efforts were made to unify the form and materials of the addition with the historic home, the garage structure is of inferior construction and lacks the refinement of detailing found on the main dwelling. The garage has also deteriorated such that the west wall is collapsing outward, exposing the interior of the building to the elements. Given the lack of architectural significance, the deteriorated condition, and the modern construction date of the garage addition, its demolition will not have a significant impact on the historic or architectural integrity of the property, the street, or the district as a whole.

PUBLIC TESTIMONY

Mr. Mac McGovern, the homeowner, was present to discuss the application. He stated that the biggest concern with the request to demolish the garage is that the structure may collapse at any moment. He added that the

chimney on the end wall of the residence, which will be exposed with the demolition of the garage, would contribute to the character of the property.

No one else was present to discuss the application, and no written comment was received regarding this agenda item.

BOARD DISCUSSION

Ms. Maurin asked the applicant what steps were planned for sealing the wall which will be exposed from the demolition of the garage structure. Mr. Miller replied that the outer wall of the house is still intact and that there may be some repair work needed, but overall, the end wall is intact.

Ms. Pfeiffer-Traylor asked if there are any extant windows on the end wall of the home. Mr. Miller replied that there are not.

Ms. Roselius asked Staff if any repair work or repainting would require an additional COA application. Ms. Wilson replied that yes, any further in-kind repair work would require a COA, which can be approved administratively.

FINDING FACTS

Ms. Roselius moved that, based on the evidence presented in the application, the Board finds the facts in the Staff's report.

Mr. Howle seconded the motion, and it was approved unanimously.

DECISION ON THE APPLICATION

Ms. Roselius moved that, based on the facts approved by the Board the application does not impair the architectural or historic character of the subject property or the district and should be granted a Certificate of Appropriateness.

Mr. McNair seconded the motion, and it was approved unanimously.



Agenda Item #6

Applications 2023-47-CA & 2023-48-CA

CERTIFIED RECORD

DETAILS

Location:

918 & 920 Conti Street; 661 Hickory Street

Summary of Request:

Move existing houses from 918 and 920 Conti Street to vacant lot at 661 Hickory Street

Applicant (as applicable):

MAMGA Nineteen Thirty-Eight Legacy Inc.

Property Owner:

same

Historic District:

Old Dauphin Way

Classification:

Contributing

Summary of Analysis:

- The houses at 918 and 920 Conti Street are good and intact examples of their type and style, are integral elements of the historic streetscape, and contribute to the historic integrity of the street and Old Dauphin Way National Register District.
- The removal of the subject houses would result in empty lots, which would permanently impair the historic integrity of the district.
- The lot to which the two houses would be moved is not in a nationally designated historic district and any future exterior changes or demolitions there would not be subject to review under the City’s preservation ordinance.
- The neighborhood at-large to which the subject houses are proposed to be moved is more suburban in character than Old Dauphin Way.

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PROPERTY AND APPLICATION HISTORY

Old Dauphin Way Historic District was initially listed in the National Register in 1984 under Criteria A for community planning and C for significant architecture. The district includes most nineteenth-century architectural styles and shows adaptations of middle-class domestic designs of the nineteenth century to the regional, Gulf Coast climate. It includes “fine examples of commercial, institutional, and religious structures as well as 20th-century apartments.”¹

Based on historic tax records, the one-story, wood-frame cottages located at 918 and 920 Conti Street were constructed in 1901 and 1903, respectively. The 1878 Hopkins atlas of Mobile shows the two properties were still one parcel, and the parcel was occupied at that time by a house with an offset rear wing. The property had been sold in 1860 by Edward B. Gale and his wife Faustina Bonifay Gale to Josephine Gordon.² The Hopkins map shows “E.B. Gale” owning the property to the immediate north of the subject parcel and a property slightly to the west, both facing Dauphin Street, with the “Protestant Orphan Asylum” to the immediate northeast. At some point between 1860 and 1900, the property (still one parcel) had been reacquired by Faustina Bonifay Gale, who sold it to her daughter-in-law Venetia S. Gale in 1900.³ The 1904 and 1906 Sanborn Fire Insurance (Sanborn) maps of the area reveal the two extant houses on individual lots. Each property included a one-story frame outbuilding located along their shared property line. At that date, the north side of Conti Street between Common and Broad streets was populated by eleven other one-story frame houses with partial and full-width front porches and a variety of outbuildings, as well as the orphanage adjacent to the east of 918 Conti Street. Much of the south side of Conti Street was occupied by the rear yards and outbuildings of grander houses facing Government Street, but four houses of similar scale to those on the north side (nos. 905, 907, 909, and 913) faced Conti Street. Two small “alley” dwellings were extant at the rear (Conti Street side) of 920 and 928 Government Street.

A similar development pattern is evident on the 1924 and 1956 Sanborn maps of the area. By 1980, historic aerial photos⁴ appear to show that two residential structures on the south side of Conti and two on the north side of Conti towards Broad Street had been removed. The streetscape remained largely the same until 2019, when a small house was moved from 1107 Springhill Avenue (outside any historic district) to fill an empty lot at 934 Conti Street.

The proposed receiving property at 661 Hickory Street, at the southwest corner of Hickory and Chinquapin streets, is not located within a National Register historic district. However, the area is part of the Dr. Martin Luther King, Jr. Ave. Heritage Neighborhood, designated by the Mobile City Council on September 30, 2003. This designation was purely an honorific and conveyed no special Architectural Review oversight or grant incentives. For a period during the early 2000s the Mobile Historic Development Commission (MHDC) conducted a historic marker program in the Heritage Neighborhood, marking structures like the Gas Works (destroyed); the Patton House; and the Florence Howard House (destroyed). The designation encompasses much of the northern inner city, with boundaries at Congress Street and Springhill Avenue on the south; North Catherine Street and Three Mile Creek on the west; Spruce and Juniper Streets to the north; and North Lawrence and Broad Streets to the east. At the time of its designation, the area was considered significant for its historic architecture in a variety of styles and types dating from the mid-19th to the mid-20th century. Historically, the northernmost reach of the area was dominated by the Hickory Street Landfill, sometimes called the Dump. The old Hickory Street Landfill site is visible from the proposed receiving parcel, and it is now overgrown and fenced. Unfortunately, during the years since the Heritage Neighborhood designation of the MLK area, there has been considerable unsympathetic

¹ Ann C. Street/Shawn Wilson. “National Register of Historic Places Registration Form: Old Dauphin Way Historic District”, 1984/2006.

² Probate Court of Mobile County, Alabama, Book 15, Page 126

³ Probate Court of Mobile County, Alabama, Book 93, Page 28

⁴ <https://www.historicaerials.com/> (accessed July 2023)

change throughout the area, but especially north of the Avenue. Losses along the Avenue proper include the Lincoln Theater, the Booker T. Theater, and most of the historic brick commercial buildings. Construction of the Florence Howard Elementary School took out a significant swath of those in 1998. Additionally, dozens of historic residences have fallen to Bishop State Community College campus growth, and the Mobile Housing Board has conducted numerous tear downs and new residential construction throughout the Heritage Neighborhood for decades.

The proposed receiving parcel currently is vacant but previously was occupied by a one-story frame dwelling with full-width porch facing south-southeast, as depicted on the 1924 Sanborn map. The house's construction date is unknown but is presumed to have been around or prior to 1900, based on deed evidence. This house and its neighbor to the north appear to have predated the platting of the Fisher Tract, as neither is typically placed on their lots, and the neighboring house was partially located in Chinquapin Street when it was shown on maps. Chinquapin Street was noted as "Not Opened" at the time the map was prepared, and the area a half block north of Chinquapin Street was labeled "Swamp." At some point in the first two decades of the twentieth century, the Hickory Street Landfill was established at the swamp. The landfill was closed in the late 1970s. It is currently a Superfund Site.

The receiving property was sold by Virginia Carter Odom and her husband, Dr. Berry R. Odom of Dallas County, Alabama, to the Colored Carnival Association of Mobile, precursor to the Mobile Area Mardi Gras Association (MAMGA) in 1952 for \$2,250. The deed specifically grants continued occupancy of the house on the property to Joe Baker, stating, "Joe Baker, who has heretofore leased from the Grantors...may continue to hold as lessee the premises known as 661 Hickory Street. Should the Grantee build a warehouse or building of any other kind on the property made the subject of the conveyance, it is understood that the house occupied by Joe Baker is to remain on the property as long as he shall live and continue to pay a monthly rental of \$12.50 to the Grantee... Joe Baker has leased...for a period of more than fifty years and the house has been home for that period of time." Joseph Baker was listed as a laborer in the 1931 edition of the City Directory, and in apparent contradiction to the deed that mentions him, he was listed as living at 209 Hickory Street in the 1924 City Directory.

Hickory and Chinquapin streets remained "Not Opened" through the 1956 Sanborn map, likely due to the established Hickory Street Landfill located to the north. The house at 661 Hickory Street remained extant until at least 1956, but part of the parcel was labeled "City Dump" on the Sanborn map. By 1967, the next available aerial photo, the structure had disappeared. Subsequent aerial photography from 1980 shows a small structure on the parcel, south of the house location and facing Hickory Street, but the structure disappeared by the time the 1985 photograph was taken.⁵

Neither 918 nor 920 Conti Street has previously appeared before the Architectural Review Board (ARB).

SCOPE OF WORK

1. Move the two frame cottages at 918 and 920 Conti Street to the vacant lot at 661 Hickory Street.

APPLICABLE STANDARDS (Code of Ordinances of the City of Mobile)

Chapter 44, Article IV, Sec. 44-80. DEMOLITION/RELOCATION.

(a) Required Findings. The Board shall not grant Certificates of Appropriateness for the demolition or relocation of any Historic Property or property within a local Historic District unless the Board finds that the removal or

⁵ <https://www.historicaerials.com/> (accessed July 2023)

relocation of such building will not be detrimental to the historic or architectural character of the District. In making this determination, the Board shall consider:

- (1) The historical or architectural significance of the structure;
- (2) The importance of the structure to the integrity of the local Historic District, the immediate vicinity or area, or relationship to other structures;
- (3) The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;
- (4) 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; and
- (5) 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.

(b) Content of Applications. All applications to demolish or remove a Historic Property or a structure in a local Historic District shall contain the following minimum information:

- (1) The date the owner acquired the property, purchase price, and condition on date of acquisition;
- (2) The number and types of adaptive uses of the property considered by the owner;
- (3) Whether the property has been listed for sale, prices asked and offers received, if any;
- (4) 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;
- (5) Replacement construction plans for the property in question, amounts expended upon such plans, and the dates of such expenditures;
- (6) 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; and
- (7) Such other information as may reasonably be required by the Board. With respect to applications for relocation of a building, the required information shall clearly define the anticipated impact on both the present site and the future site.

(c) Post Demolition or Relocation Plans Required. In no event shall the Board entertain any application for the demolition or relocation of any Historic Property or property in a local Historic District, unless the applicant also presents at the same time the post-demolition or post-relocation plans for the site.

STAFF ANALYSIS

The Code of the City of Mobile (Chapter 44, Article IV, Sec. 44-80) requires that the ARB not grant a Certificate of Appropriateness “for the demolition or relocation of any Historic Property or property within a local Historic District unless the Board finds that the removal or relocation of such building will not be detrimental to the historic or architectural character of the District.” In making such determination, the Board shall consider “(1) The

historical or architectural significance of the structure; (2) The importance of the structure to the integrity of the local Historic District, the immediate vicinity or area, or relationship to other structures; (3) The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location; (4) 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; and (5) 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.” (Sec 44-80(a))

(1) The historical or architectural significance of the structure

As determined by the National Park Service (NPS) in the National Register of Historic Places nomination for the district, the subject structures, 918 and 920 Conti Street, are contributing properties within Old Dauphin Way Historic District. The structures were constructed in 1901 and 1903 for Venetia Smith Gale, a Montgomery, Alabama, native and daughter-in-law of Edward Brevort and Faustina Bonifay Gale, who owned two properties to the north facing Dauphin Street. ⁶ Gale acquired the property from her mother-in-law in 1900.⁷

As noted above, Old Dauphin Way Historic District was initially listed in the National Register under Criteria A (for community planning) and C (for significant architecture). The houses at 918 and 920 Conti Street are illustrative of the westward expansion of the city that took place concurrently with the extension of the streetcar line to the Loop area in the early 20th century (Criterion A). Further, the houses are good examples of the Folk Victorian architectural style then in vogue for working class residences in Mobile and throughout the United States (Criterion C).⁸ The Folk Victorian style is embodied in the two one-story, frame, raised cottages through their retention of character-defining features including spindlework porch detailing, full-width front porches, flat jigsaw trim, and two-over-two windows. Both structures contribute to the architectural significance of the Old Dauphin Way district.

(2) The importance of the structure to the integrity of the local Historic District, the immediate vicinity or area, or relationship to other structures

The National Park Service defines “integrity” as the ability of a property or district to convey its significance.⁹ Of the seven (7) aspects of integrity identified by NPS, the two with bearing on the proposed action are location (the specific place where a historic resource was built) and setting (the physical environment of the historic property; character of the place; how it is situated and its relationship to surrounding features and open spaces).¹⁰ The subject structures have retained integrity of location, as they stand where they were constructed. Further, while the physical environment of the subject structures has evolved over the last 120 years, a comparison of historic maps and aerial photographs confirms that the properties adjacent to these structures have not changed significantly over that time.

The 1904 Sanborn map depicts the two subject structures, and each property included a one-story frame outbuilding located along their shared property line. At that date, the north side of Conti Street between Common Street and 920 Conti Street was populated by eight (8) one-story frame houses with partial- and full-width front porches and a variety of outbuildings. The Protestant children’s orphanage was adjacent to the east of 918 Conti Street, and two additional frame houses existed between the orphanage property and a house facing Broad Street to the east along the north side of the street. A first phase of the Walker furniture warehouse (now known as Atchison Lofts) already existed behind the house at 926 Conti. Much of the south side of Conti Street was

⁶ <http://www.familysearch.org> (accessed August 2023); City Atlas of Mobile, Alabama. G.M. Hopkins, 1878

⁷ Probate Court of Mobile County, Alabama, Book 93, Page 28

⁸ McAlester, Virginia & Lee, *A Field Guide to American Houses*. New York: Alfred A. Knopf, 2002.

⁹ NPS. National Register Bulletin 15 – “How to Apply the National Register Criteria for Evaluation”

¹⁰ *ibid*

occupied by the rear yards and outbuildings of grander houses facing Government Street, but four one-story frame houses of similar scale to those on the north side (nos. 905, 907, 909, and 913) faced Conti Street, with a large one-story frame house facing Broad Street (no. 50) at the corner. Two small “alley” dwellings sat close to Conti Street at the rear of 920 and 928 Government Street.

By the time of the 1906 Sanborn map overlay, a significant amount of construction had occurred. The lot containing 924 Conti Street had been subdivided to allow for an eastward expansion of the furniture warehouse, and two more houses had been constructed on the north side of Conti Street between the orphanage and Broad Street.

The 1925 Sanborn map with 1956 overlay (the next year available) depicts a one-story brick commercial structure at the northeast corner of Common Street, by then extended south to Government Street, and Conti Street. Seven residences were extant along the north side of Conti between the commercial building and 920 Conti. To the east of 918 Conti, the orphanage remained, but the two houses constructed between 1904 and 1906 appear to have been quickly removed. The residential property at the southwest corner of Broad and Conti had been replaced with a large masonry car dealership and repair shop that spanned the entire frontage of Broad Street between Conti and Government streets. The south side of Conti was populated with the same number of residences as depicted on previous maps, and they were joined by two additional small dwellings to the east of Common Street.

Due to a lack of legible aerial photography between 1955 and 1980, the evolution of the block during that time is not clear. However, a 1980 aerial photograph clearly shows the seven residences and brick commercial building between Common Street and 920 on the north side of Common Street.¹¹ It appears the two houses facing Conti Street to the east of 918 had been removed, along with the residence facing Broad Street, but two residential structures along the south side of the block (nos. 907 and 913) were extant at that time.

The 1984 National Register nomination for Old Dauphin Way makes note of only six structures along the north side of this block of Conti Street: numbers 918, 920, 922, 926, 930, and 932. All six properties are considered as contributing to the integrity of the district. As noted in the National Register nomination, “the size and concentration of late 19th and early to mid-20th century buildings in the Old Dauphin Way Historic District is a unique feature. The preservation of the strong streetscape and homogenous building stock is important because it illustrates the early development of the American suburb while simultaneously documenting the shift of middle-class housing away from traditional regional forms during the 20th century.”¹² Therefore, despite the loss of some buildings on the north side of the block and most or all of the residential structures on the south side of the block prior to the 1984 National Register nomination, the retention of all extant structures is critical to the ability of the district to convey its significance, i.e., maintain its integrity.

(3) The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location

Some of the high-quality materials and craftsmanship used in historic structures are more expensive now than when they were constructed and difficult to find. To recreate some of these buildings with the same grade of materials and craftsmanship now would be prohibitively expensive. For example, the two subject structures are of wood frame construction with historic wood windows and wood clapboard siding. It is widely acknowledged that the wood employed in construction one hundred years ago was of higher quality than that which can be easily acquired in the 21st century due to the overharvesting and depletion of old growth forests in North America. Old growth wood is wood grown naturally in virgin forest, not on a lumber farm. It is more durable than modern wood because forests used to be denser and received less sunlight, “so the growth rings in the timbers were much tighter than trees growing today. Old growth trees, therefore, have more dense and compact grain. Furthermore,

¹¹ ibid

¹² Ann C. Street/Shawn Wilson. “National Register of Historic Places Registration Form: Old Dauphin Way Historic District”, 1984/2006.

old growth wood has natural rot-resistant properties and more firmness, meaning it doesn't shrink and expand as much as new growth wood."¹³ The use of such wood in construction is one of many factors contributing the longevity of historic wood-framed structures.

As a result of the disappearance of virgin forests, reclaimed lumber is the only source of old growth wood. A 2"x4"x4' piece of yellow pine costs \$2.75 at a big box home improvement store.¹⁴ A piece of yellow pine with the same dimensions but reclaimed old growth wood costs \$12.50 per board foot, or \$50.¹⁵ The cost for authentic reconstruction materials would be high, presenting a significant difficulty in reproducing the structures.

While numbers have improved in the last ten years, there is not a critical mass of individuals engaged in the preservation trades in the local area. Higher numbers are concentrated in more populated areas, especially in the mid-Atlantic, northeastern, and northwestern states. Therefore, locating and retaining artisans and craftsmen to accurately reproduce the design and detailing of the two structures precisely as constructed might be challenging.

(4) 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

The two subject structures are not the last remaining of their kind in the neighborhood, the county, or the region. However, they have been integral parts of the streetscape on this block of Conti Street since their construction approximately 120 years ago, and they are good examples of their type and style. The ensemble of extant historic dwellings constitutes a neighborhood, and the removal of these houses would impair the historic integrity of the street and the district. Because the houses would be removed from their original sites, the end result for Conti Street and neighboring properties would be identical to demolition.

(5) 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.

The submitted site plan shows the area containing the subject houses would be sodded as green space. The existing, established landscape buffer at the northern end of the western property line would be maintained, a strip of Asiatic jasmine would be planted along the Conti Street frontage, and new evergreen plantings would be installed along the southern half of the western property line. No new structures are proposed in the submitted plans.

The setting of neighboring 922 Conti Street, and the district as a whole, has been occupied by similarly scaled residences for at least 120 years. "Setting", defined by the National Park Service as "the physical environment of a historic property", is one of the seven aspects of integrity used by the National Park Service to evaluate a property's significance and eligibility for listing in the National Register of Historic Places. The houses at 918 and 920 Conti Street are part of the historic setting of the nearby contributing properties, and a vacant lot in their place would permanently impair the historic character of the district. The open space created by the removal of the subject structures would be highly visible and create a void on the north side of Conti Street, impairing the district's ability to convey its significance (i.e., its integrity).

¹³ [Old Versus New Wood - Russell Rowland, Inc. \(russrow.com\); Top 5 Reasons To Choose Reclaimed Wood Over New Lumber | Tallest Tree](https://www.russrow.com/top-5-reasons-to-choose-reclaimed-wood-over-new-lumber-tallest-tree) (accessed August 2023)

¹⁴ <https://www.homedepot.com/b/Lumber-Composites/Bulk-Pricing/N-5yc1vZbqpgZbwo6k> (accessed August 2023)

¹⁵ <https://www.hearnehardwoods.com/heart-pine-lumber-2/> (accessed August 2023)

Impact on the Proposed Future Site

The application under review involves moving the subject houses to 661 Hickory Street, which is not located in a National Register Historic District but is located in a locally designated Heritage Neighborhood. The applicant has submitted the following summary of their plans for the site and anticipated effect upon the proposed receiving neighborhood.

The 1938 Legacy Corporation purchased the two houses on Conti Street for the sole purpose of relocating them to the original site of the MAMGA Den at 661 Hickory Street. MAMGA/1938 Legacy's plans are to complete the restoration of the houses and use them as a MAMGA auxiliary space. It is also our hope that these restored houses could be added to the Dora Franklin Finley African American Heritage Trail. The restoration of the houses will be a major catalyst to revitalize the historic area of Mobile, colloquially called the "Bottom", where MAMGA was founded and where many prominent Mobile African American professionals once lived.¹⁶

In contrast to Old Dauphin Way and the subject block of Conti Street, the proposed receiving neighborhood has lost much of its urban character. The "Bottom" neighborhood is located north of Dr. Martin Luther King, Jr. Boulevard (formerly Davis Avenue) and south of Three Mile Creek. Before the Bottom was developed, it was owned by William Fisher, a farmer, and was known as the Fisher Tract. The area developed during the late nineteenth century, when it constituted the second community established by and for African Americans in Mobile, soon after the nearby Campground neighborhood. A significant number of residences dating to the early to mid-twentieth century are extant in the Bottom. Davis Avenue flourished as a commercial center with businesses owned and patronized by African Americans. Thirty-three (33) businesses, including ten groceries, three funeral homes, two restaurants, two drug stores, and two hardware stores, existed on the avenue in the early twentieth century.¹⁷

The impact on the site at the southwest corner of Hickory and Chinquapin streets is unknown. The site currently is vacant but is the former location of a one-story frame residence extant when the applicant acquired the property in 1952; based on Sanborn maps and historic aerial photos, the structure was removed at some point between 1956 and 1967.¹⁸ The neighborhood around the proposed receiving property has experienced high levels of disinvestment and demolition over the last twenty-five (25) years. In fact, twenty-one (21) structures within a one-block radius of the proposed receiving property have been removed since 1997.

Because the proposed receiving site is not within a historic district with Architectural Review Board oversight, any exterior changes or demolition proposed for the property would not be subject to review under the City's preservation ordinance.

There are a high number of vacant lots and uninhabitable residences (either boarded windows and doors, or no electric service connected, or both) in a one-block radius from 661 Hickory Street (65 vacant; 18 uninhabitable). Therefore, the short- and long-term impact of the subject houses on the proposed new site and/or the Bottom is unknown because their rehabilitation and continued existence on the site cannot be guaranteed under existing ordinances.

PUBLIC TESTIMONY

Mr. Kirk Mattei was present to represent the applicant.

Six (6) other members of the public were also present to speak in favor of and in opposition to the application as follows:

Mr. Maynard Odom (in favor)

Mr. Eric Finley (in favor)

Mr. Ben Harris (in opposition)

Mr. Jim Wagoner (in opposition)
Rev. Jim Flowers (in opposition)
Mr. Jaime Betbeze (in opposition)

Mr. Mattei requested that the Board grant him extra time to speak, stating that one scheduled speaker in favor of the application was not able to be present.

Ms. Echols approved the extension of time.

Mr. Mattei stated that he represents Mobile Area Mardi Gras Association (MAMGA) and their related nonprofit, Nineteen Thirty-Eight Legacy. He added that the organization is excited to present the facts that allow for these two houses to be relocated.

He contended that The Bottom neighborhood is just as historic as the locally designated historic districts in Mobile and that the relocation of homes well predates the creation of historic districts. Further, it was Mr. Mattei's opinion that, although the MHDC has not given the ARB purview over the Bottom/Dr. Martin Luther King, Jr., Heritage Neighborhood, that doesn't prevent the ARB from advancing historic preservation in that area and that relocating properties is the strongest tool at the ARB's disposal to do so.

Mr. Mattei discussed the five factors for consideration of the application presented in the Staff report as follows:

(1) The historical or architectural significance of the structure

Mr. Mattei expressed his opinion that there is nothing uniquely specific about these contributing homes that makes them individually significant. He furthered that they have not been individually designated by the National Register of Historic Places, but rather sit at the edge of a street in a historic district that has lost much of its historic appeal.

He stated that these two houses are an undeniably common vernacular throughout the immediate area, with better examples extant nearby and contended that granting this application will exponentially increase their significance by moving them to serve as a catalyst for the redevelopment of the Bottom.

(2) The importance of the structure to the integrity of the local Historic District, the immediate vicinity or area, or relationship to other structures

Mr. Mattei stated that the Staff report states that the properties adjacent to the subject structures have not changed in 120 years; and that in a previous Staff Report for 960 Conti, the Staff report noted that the built area has experienced extensive change and demolition. It is Mattei's opinion that the Staff reports state different information concerning the immediate vicinity.

(3) The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location

Mr. Mattei contended that Staff reports have submitted varying information concerning the capabilities of reproducing houses of similar form and construction era; presenting as examples the Staff reports for 960 Conti Street and 54 N Cedar Street.

Mr. Mattei stated his opinion that MAMGA is being treated differently and that the subject properties are held to a different standard.

(4) 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

Mr. Mattei stated that there is a large concentration of Victorian cottages of superior design, construction, and condition in the immediate vicinity. In regard to the ensemble of historic buildings creating a

neighborhood, he discussed an application that was approved on June 7, 2023 for a house at 1101 S. Broad to be moved to 458 Charles, which is a move from Oakdale Historic District into the Oakleigh Garden Historic District. In addition, the ARB had approved the move of the house at 1208 Congress to 1007 Texas in November 2022, and three (3) properties on Lee Street were approved to be moved out of the neighborhood. He then raised the question of why, in his opinion, the analysis is different for the subject project than two months ago.

- (5) 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.

Mr. Mattei stated that the planned reuse of the lots at Conti Street is for green space, adding that these two lots are zoned R-1, are not part of the PUD, and will not be used as a parking lot. He further stated that the two houses in question are of no use to the IMs, and the proposed solution is looking at the best interest of the homes while maintaining a buffer between the property owned by the Historic Restoration Society and the property at 922 Conti.

Mr. Maynard Odom from MAMGA Nineteen Thirty-Eight Legacy introduced himself. He requested that MAMGA be allowed to move the two structures at Conti Street to the original site of MAMGA. He presented a brief history of MAMGA and stated that this project is an opportunity for MAMGA to play an intricate part in the historic revitalization of The Bottom neighborhood. He stated that MAMGA has strong roots in the area and are local investors, adding that MAMGA wishes to be a part of the solution, adding that the idea that the buildings would be moved just to allow them to rot was offensive. He respectfully asked the Board to grant approval of the relocation of the subject structures.

Mr. Eric Finley, representing MAMGA, spoke next. He stated he is was raised in the Hickory Street area and is very familiar with it. He added that MAMGA started at 661 Hickory and to go back to this site is very significant. He continued that MAMGA feels the acquisition of the subject homes and their relocation to the original MAMGA site would retain their historical significance of the buildings and be an example to perpetuate the advancement of the community. He stated that MAMGA wants to support the community and jumpstart the revitalization process. While acknowledging that the Bottom is in a depressed state currently, he continued that down the street, on the corner of Martin Luther King and Hickory Streets is the Dave Patton House, designed in 1910 by George Rogers. Mr. Finley state that this would be the gateway to MAMGA's original location, and added that he wished to see Hickory Street lined with trees, as well as the adjacent streets. He stated a goal of the Heritage Tour bringing people into MAMGA's original home and a community that has been revitalized. He further noted that Mardi Gras is a great selling point to bring people and revenue in at the same time; and discussed founding MAMGA members who lived in and contributed to the Dr. Martin Luther King, Jr., Avenue Heritage community.

Mr. Ben Harris stated that he was present to represent Rev. Jim and Mrs. Katherine Flowers who reside at 922 Conti Street. He contended that the key thing is the Staff Report, which lists the five factors that the Board is to consider under the ordinance. He stated that in each instance, every factor dictates against approving this application. He added that MAMGA is a wonderful organization with laudable goals to revitalize their historic site and the surrounding neighborhood, yet should not be done this way. He continued that the subject houses are illustrative of the westward expansion of the city and are good examples of the folk Victorian style, contributing structures to the Old Dauphin Way district; and that the retention of all extant structures is critical to the ability of the district to preserve its designation and maintain its integrity.

He stated that the three houses at 918, 920 and 922 Conti are intact and are an ensemble and that removing two out the three of this ensemble will significantly impair the integrity of the district. He contended that in regard to reproducing the structures, that the cost for authentic reconstruction materials would be high, presenting a significant difficulty to reproduce these houses; and that locating and retaining artisans and

craftsmen in this area to accurately reproduce the details of these structures would be challenging.

He added that the Board should strongly consider that once the houses are moved out of the historic, the Board has lost the ability to do anything to protect them.

Rev. Jim Flowers stated that he resides at 922 Conti street, immediately adjacent to the subject properties; and that the three houses together have been an ensemble for over 120 years, representing an important time in the city of Mobile. He added that the three houses represent craftsmanship, giving the example of the porch columns which were milled by local artisans with sustainable materials. Rev. Flowers then presented a brief history of the two subject houses since in ownership by the Historic Restoration society, pointing out that when the first attempt to move the houses was undertaken in May, no one in the neighborhood was notified, nor were permits applied for. He mentioned the plan to move the houses to north end of Hickory Street, contending that it is a site near a landfill with contamination issues. He noted that these houses, if moved, would not be under ARB protection. He added that moving houses are tantamount to demolition which would compromise the historic designation and aesthetic of the neighborhood, which is seeing a resurgence of residents wishing to live in a historic area; people are interested in purchasing and living in 918 and 920 Conti. He stated that the future of preservation advocacy is at stake here and asked the Board to do the right thing.

Mr. Jim Wagoner stated that he resides at 1805 Dauphin Street and is former member of the ARB. He noted that to allow such a move would be in contradiction to the requirements of the ordinance and the mission of the ARB and would result in the homes being outside the protection of the ARB and susceptible to inappropriate alterations. He added that the standard has been to bring historic structures into local historic districts to save them from demolition, bringing them under the protection of the ordinance administered by the ARB, and to enhance the historic integrity of the neighborhood into which they are relocated. In his 17 years serving on the ARB, he had no recollection of the ARB allowing a contributing property to be moved outside of a district. He added that the applicant's stated hope to add these homes to the Dora Franklin Finley African-American Heritage Trail should be applauded, but that he respectfully submits that it should not be accomplished by gutting the historic integrity of Conti Street, contending that an advancement of something good for the Trail should not be accomplished by destroying another area of historic significance within our city. He asked the Board to please preserve these homes in the Old Dauphin Way District and deny the application

Mr. Jaime Betbeze of 1210 Selma Street stated that he is a member of Mobile Historic Development Commission (MHDC) and that he was present to represent the MHDC's position on this application, who voted unanimously to oppose the application that is before the Board. He noted that the basis of the opposition has been put forth in position papers submitted to the ARB, and that the reason for the opposition is based soundly on the *Design Review Guidelines* and ordinance for historic preservation. He contended that as long as the Board tethers its decision making to the *Design Review Guidelines*, it can never be accused of being arbitrary and capricious or abusing discretion because it would have soundly applied the *Guidelines* to the decision. He further stated that the approval of this application would be a violation of the *Design Review Guidelines* and would severely impact the integrity of Old Dauphin Way Historic District, and in particularly this block of Conti Street and the ensemble of historic buildings. He added that because some buildings in this area have been lost means the ones remaining need our protection even more. In addressing the question, "*From a practical standpoint, it makes more sense to allow them to be removed with hope of restoration rather than sit and run risk of further deterioration,*" Mr. Betbeze contended the answer is "*No.*". That this approach would ignore the obligation of this board to apply the *Guidelines* in the decision. He noted that the Historic Development Department has enforcement mechanisms in place to ensure that homeowners do not allow their properties to suffer demolition by neglect and urged the Board to let the Historic Development Department to use its enforcement opportunities in the future. He urged the Board to deny the application.

Mr. Mattei's rebuttal included the following:

He addressed the perceived questioning of the intent of this project and the idea that it is "going to the dump".

He stated that the dump is what led to the demise of the Bottom neighborhood, and in his opinion the Staff report uses the disinvestment of the neighborhood as a justification for not moving the houses. He stated that MAMGA is trying to come full circle and be a solution, and added that if this Board questions the intent of MAMGA, they would be happy to agree to a façade easement. He contended that there is plenty of precedent for the removal of these houses.

BOARD DISCUSSION

Mr. McNair recused himself from consideration of this application.

Mr. McGowin noted for the sake of clarification that the design guidelines mirror the factors set forth in the preservation ordinance, and those are the factors the Board is to consider.

Ms. Echols commented that the Architectural Review Board members are volunteers, and as witnessed earlier in the meeting, listen to the people who voice their opinions. She continued that there are many houses all over Mobile, not just the two at Conti, that could be moved from areas outside of ARB review and are in need of rescue. Ms. Echols added that it is her personal opinion that this application is not about allowing one group to do something or not allowing another to do something that rather it is about looking at the neighborhood and how it is affected by the removal of these houses.

Ms. Roselius commented that, based on the Ordinance, the Board must consider the following in its decision: If the request impairs the historic integrity of the building and if the request impairs the historic integrity of the neighborhood. She stated that the ordinance states that, when making findings, the Board shall not grant COAs for relocation or demolition unless found not to be detrimental to historic or architectural character of the district. She continued that from the Staff report which was very clear, and also from visual inspection, it seems clear that there is a cohesiveness of residences along the street, which would be significantly impacted by the removal of the subject houses. She stated that she is eager to see the revitalization of the Dr. Martin Luther King, Jr., heritage neighborhood, however, by the removal of these specific homes to that site, it is removing the historic context of their original location and of the surrounding neighborhood. She noted that, although the houses have been transferred to MAMGA, there is nothing in the application demonstrating an attempt to adaptively reuse onsite or sell the properties, which, given the condition of the houses, seems like a feasible alternative which would not impact this neighborhood in the same way as a relocation.

Ms. Traylor commented that the Board is here specifically for Chapter 44, Article IV, Sec. 44-80; and to consider the five factors in such, to determine the issuance of a COA. She noted that the revitalization intent of the applicant is not one of those factors. She stated that MAMGA's efforts are incredible and laudable and added that she encourages their revitalization efforts of the Dr. Martin Luther King Jr. area. She stated that he COA is however for 918 and 920 Conti Street, and that street and those houses. She commented that this is a newly constituted Board and prior decisions are not necessarily precedential, given the unique nature of historic homes and historic districts. She stated that it is agreed that the subject structures are contributing, but that whether they are the best of this particular style is not the measure, but rather the impact their removal will have, whether it is demolition or relocation. She contended that the restoration of the houses as a major catalyst to revitalize Hickory Street is great, but the effects for Conti are the same: restoration and preservation of these houses in order to continue to be a major catalyst for preservation in the Conti Street area.

FINDING FACTS

Ms. Roselius moved that, based on the evidence presented in the application, the Board finds the facts in the Staff's report.

Ms. Traylor seconded the motion, and it was approved unanimously.

DECISION ON THE APPLICATION

Ms. Roselius moved that, based on the facts approved by the Board, the application does impair the architectural and historic character of the subject properties and of the district and should be denied a Certificate of Appropriateness.

Ms. Maurin seconded the motion and it was approved unanimously.

¹⁶ Email communication from W. Kirk Mattei to Staff, August 1, 2023

¹⁷ Christopher MacGregor Scribner. "Progress Versus Tradition", Mobile: The New History of Alabama's First City. Tuscaloosa, Alabama: University of Alabama Press, 2001.

¹⁸ <https://www.historicaerials.com/> (accessed July 2023)

There being no further business, the meeting was adjourned at 4:58 pm.