

**ARCHITECTURAL REVIEW BOARD MINUTES**  
**April 16, 2014 – 3:00 P.M.**  
**Pre-Council Chambers, Mobile Government Plaza, 205 Government Street**

**A. CALL TO ORDER**

1. The Chair, Harris Oswalt, called the meeting to order at 3:00. Cart Blackwell, MHDC Staff, called the roll as follows:  
**Members Present:** Robert Allen, Catarina Echols, Kim Harden, Carolyn Hasser, Nick Holmes III, Harris Oswalt, Steve Stone, and Jim Wagoner.  
**Members Absent:** Robert Brown, Bradford Ladd, and Craig Roberts.  
**Staff Members Present:** Cart Blackwell, and Keri Coumanis.
2. Steve Stone moved to approve the minutes of the April 2, 2014 meeting. The motion received a second and passed unanimously.
3. Steve Stone moved to approve the midmonth COA's granted by Staff. The motion received a second and passed unanimously.

**B. MID MONTH APPROVALS: APPROVED.**

1. **Applicant: Nofio Pecoraro**
  - a. Property Address: 12 Kenneth Street
  - b. Date of Approval: 3/27/14
  - c. Project: Make repairs to the front porch. Repair and when necessary replicate the porch's square section piers to match the existing in terms of design, proportion, material and design. Replace tongue-and-groove decking to match the existing in construction and material. Rebuild the porch substructure.
2. **Applicant: Brad and Laura Sadler**
  - a. Property Address: 15 Gladys Street
  - b. Date of Approval: 3/28/14
  - c. Project: Install interior lot wooden fencing. Said fencing will measure six feet in height and will not extend beyond the front plane of the house.
3. **Applicant: Douglas B. Kearley for J. Schley Rutherford, II**
  - a. Property Address: 201 North Conception Street
  - b. Date of Approval: 4/1/14
  - c. Project: Install a rear lot privacy fence. The fencing will enclose a rear court that was previously approved for a brick fence. The fence sections and gate (per submitted designs) will be 8' in height (as allowed for properties located next commercial lots). Terminating piers will be employed.
4. **Applicant: Tim Dozier**
  - a. Property Address: 13 South Monterey Street
  - b. Date of Approval: 4/2/14
  - c. Project: Replace rear door per existing
5. **Applicant: Jay Roberds**
  - a. Property Address: 911 Dauphin Street
  - b. Date of Approval: 4/2/14
  - c. Project: Install a six foot tall chain-link construction fence around the perimeter of the complex for the period of the restoration/renovation of the property's principle buildings. The fencing will prevent vagrants from causing further damage to the buildings and thieves from absconding with materials.

**6. Applicant: Carla Sharrow**

- a. Property Address: 1005 Augusta Street
- b. Date of Approval: 4/7/14
- c. Project: Repair/replace rotten wood on front porch and front and side steps. Repair shutters as needed. All repairs to match existing in profile, dimension and materials. Paint where needed to match existing paint scheme. Repair leaking skylight. Paint the front door in the submitted color (brown burgundy).

**7. Applicant: Jack Zieman**

- a. Property Address: 701 Saint Michael Street
- b. Date of Approval: 4/9/14
- c. Project: Reconstruct a section of wall that was removed for reasons of the stabilization and the first phases of the refinishing of the property's contributing building. Install cast iron vehicular gates with salvaged cast iron components for decoration in the surviving and to be reclaimed entrances. The gates will not protrude into the right of way. Install a cast iron roundel on wall.

**C. APPLICATIONS**

**1. 2014-16-CA: 69 Fearnway**

- a. Applicant: Douglas B. Kearley for Lucy and Richard Wright
- b. Project: Remodel the house's front porch in manner more in keeping with the original Arts and Crafts informed design.

**APPROVED. CERTIFIED RECORD ATTACHED.**

**2. 2014-15-CA: 204 South Dearborn Street**

- a. Applicant: Joseph Patterson with JPS Construction for Debra J. Forrest
- b. Project: After-the-Fact-Approval – Retain unauthorized windows.

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

**D. OTHER BUSINESS**

- 1. Discussion

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

**2014-16-CA: 69 Fearnway**  
**Applicant: Douglas Kearley with Douglas Burtu Kearley Architect for Richard and Lucy Wright**  
**Received: 3/31/14**  
**Meeting: 4/16/14**

**INTRODUCTION TO THE APPLICATION**

Historic District: Old Dauphin Way  
Classification: Non-Contributing  
Zoning: R-1  
Project: Remodel the house's porch in a manner more in keeping with the original Arts and Crafts informed design.

**BUILDING HISTORY**

This residence dates from the 1920s. As originally constructed, the house constituted an Arts & Crafts informed "bungalow". During the 1950s or 1960s, the building was remodeled. It was during that time that the house's walls were faced with brick and the porch received cast iron supports. The overall bungalow massing survives intact.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. This property has never appeared before the Architectural Review Board. With this submission, the applicants propose the reversal of alterations made to the house's original 1920s fabric.
- B. The Secretary of the Interior's Standards for Historic Rehabilitation and Design Guidelines for Mobile's Historic Districts state, in pertinent part:
  - 1. "Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence."
  - 2. "The type, size, and dividing lights of windows and their location and configuration (rhythm) on the building help establish the historic character of the building. "
  - 3. "The porch is an important regional characteristic of Mobile architecture. Particular attention should be paid to handrails, lower rails, balusters, decking, posts/columns, proportions and decorative details."
  - 4. Additionally (as per porches), the "materials should blend with the style of the building."
- C. Scope of Work (per submitted plans):
  - 1. Remodel the house's porch in manner more in keeping with the original Arts and Crafts informed design.

- a. Remove and salvage ironwork (porch supports and railings) installed on the house in the 1950s or 1960s.
- b. Construct three (square section paneled) wooden porch posts. Two of the three porch posts will be aligned with the porch's antepodia (or cheeks). The third post will be terminal in nature.
- c. Construct a picketed railing that will enclose the porch.
- d. Install a simple metal handrail to aid access to and from the porch.
- e. Remove aluminum siding from the house's front dormer and eaves.
- f. Repair (and when necessary replace) deteriorated wooden siding, rafter tails, and fascia to match the existing in design, material, and dimension.
- g. Re-expose a tripartite window located within the façade's dormer.
- h. Remove the façade's two later Chicago (or picture) windows.
- i. Install six-over-one wooden windows and accompanying casings in the location of the aforementioned fenestrated bays. The southernmost window multi-unit window will be tripartite in configuration and the northernmost unit will be coupled in configuration.

### **STAFF ANALYSIS**

This application involves the removal of 1950s/1960s alterations made to a 1920s bungalow. Fearnway possesses some of the finest examples of Arts and Crafts residential architecture in Mobile mid-century alterations changed a few examples. 65 Fearnway and the subject property are two instances where mid-century modernizations altered original historic fabric. On May 4, 2011, the Board approved restoration/renovation of the former property. Period photographs and physical evidence documented the majority of the work approved for 63 Fearnway. Despite an exhaustive search (contacting former owners of the property and consultation of the collections of the McCall Rare Book and Manuscript Collection), no early photographs could be located to date for 69 Fearnway.

With regard to the windows, interior evidence in the form of window casings and structural components taking the form of studs prove that existing window bays are originals in terms of their overall dimensions. The proposed window configurations are then in accord with the Secretary of the Interior's Standards for Historic Rehabilitation in that their location is based on physical evidence (See B-1). Multi-light-over-single light windows were frequently employed on residential buildings influenced by the Arts and Crafts Movement. The size, type, and light configuration of the windows are in keeping with the massing of the house and with the historic character of the building & streetscape (See B-2). The gable window survives intact.

As per the porch, square section paneled posts were a common porch pier treatment for bungalows. In accord with the Design Review Guidelines for Mobile's Historic Districts, both the proposed porch post and the picketed railing are in keeping with the massing of the house and in keeping with the historic character of the building & streetscape (See B 2-4).

### **STAFF RECOMMENDATION**

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

### **PUBLIC TESTIMONY**

Douglas B. Kearley was present to discuss the application.

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed the applicant's representative. He asked Mr. Kearley if he had any clarifications to address, comments to make, or questions to ask. Mr. Kearley said that Mr. Blackwell had explained the application in full.

Mr. Stone inquired as to the façade's gable window. Mr. Kearley addressed Mr. Stone's query.

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

No further Board discussion ensued.

## **FINDING OF FACT**

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

The motion received a second and was unanimously approved.

## **DECISION ON THE APPLICATION**

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

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 4/16/15**

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

**2014-15-CA: 204 South Dearborn Street**  
**Applicant: Joseph Patterson with JPS Construction for Debra J. Forrest**  
**Received: 3/5/14 (initial application)**  
**Meeting: 4/16/14**

**INTRODUCTION TO THE APPLICATION**

Historic District: Church Street East  
Classification: Contributing  
Zoning: R-1  
Project: After-the-Fact-Approval – Retain unauthorized replacement windows.

**BUILDING HISTORY**

This one-and-one-half-a-story wooden dwelling dates circa 1871. With its side hall plan, all encompassing gable roof (over the original portion of the house), and porch-fronted façade, this house ranks among Mobile’s most exemplary extant Workman’s Cottages.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. This property last appeared before the Architectural Review Board on April 2, 2014. On the aforementioned date, the Board reviewed an application calling for the retention of unauthorized replacement windows. Neither a Certificate of Appropriateness nor a building permit had been issued for the windows. During the course of the April 2<sup>nd</sup> meeting, the Board tabled the application for the next meeting so the applicant could be in attendance to discuss the application.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “The type, size, and dividing lights of windows and their location and configuration (rhythm) on the building help establish the historic character of a building. Original window openings should be retained as well as original window sashes and glazing.”
  - 2. “Where windows cannot be repaired, new windows must be compatible with the existing.”
  - 3. “Snap-in or artificial muntins” are listed as inappropriate window construction.
  - 4. “Operable (shutter) units, hung with appropriate hinges are encouraged. Where blinds or shutters must be fixed, they should be hung on the window casing in a manner to replicate those that are operable. Decorative shutters are appropriate on some 20<sup>th</sup>-Century buildings. Evidence must be presented of their original use when requested.”
- C. Scope of Work:
  - 1. After-the-Fact-Approval – Retain ten unauthorized windows.
  - 2. Retain inoperable shutters flanking the façade’s windows.

## **STAFF ANALYSIS**

This application involves the after-the-fact-approval of unauthorized work. The applicants representatives received midmonth approvals for the replacement of rotten woodwork in kind on July 23, 2013 and the repainting of the building on August 27, 2013, no approval was issued for the replacement of windows. The Design Review Guidelines for Mobile's Historic Districts state that original window openings should be retained as well as original window sashes and glazing. The Guidelines go on to clarify that where windows cannot be repaired, new windows must be compatible with the existing (See B 1-2.).The replacement of windows was not included in the approved scope of work. While the six-over-six light replacement windows installed on the Side and Rear Elevations match the light configuration of the original windows, slap-in or artificial muntins are listed as inappropriate for use on both replacements and new construction in Mobile's historic districts (See B-3).

During the course of the previous meeting, it was noted that the decorative shutters installed to either side of original front windows had not been approved by the Board. The Design Review Guidelines state that decorative shutters are appropriate on some 20<sup>th</sup>-Century buildings. Evidence must be presented of their original use when requested. Board members also requested information regarding the recent approval of window replacements. The files for four properties – 11 Macy Place, 58 Bradford Avenue, 63-65 North Georgia Avenue, and 77 South Lafayette Street– were requested for review. On July 7, 2010, the Board approved the removal of vinyl sash windows and the installation of vinyl clad wood casement windows with simulated muntins at 11 Macy Place. It should be noted that casement windows comprised the original window configuration. The Board approved the removal aluminum jalousie windows and the installation of vinyl sash windows at 58 Bradford Avenue. Again, the replacement windows replicated the type of missing original windows. The construction, appearance, texture, and installation of the windows for both the preceding approvals were analyzed at length. On February 6, 2013, the Board approved the replacement on unauthorized vinyl windows with double-paned wooden windows for 63-65 North Georgia Avenue and on April 3, 2013, the Board approved the partial retention of unauthorized vinyl windows located at 77 South Lafayette Street. The Board required that façade's and North Elevation's most visible windows be replaced with wood windows. It should be noted that 77 South Lafayette Street is listed as a non-contributing building. The Board's ruling took into account the visibility, location, light pattern, and construction of the windows.

## **STAFF RECOMMENDATION**

Based on B (1-3), Staff believes this application would impair the architectural and historical character of the building. Staff does not recommend approval of this application.

## **PUBLIC TESTIMONY**

Debra Forrest, Veronica Philon, and Joseph Patterson (who arrived mid way during the discussion) were present to discuss the application.

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed the applicants. He asked Ms. Forrest and Ms. Philon if they had any clarifications to address, questions to ask, or comments to make.

Ms. Philon informed the Board that the windows had been replaced as a response to citations issued by the City. She explained that she was under the understanding that her contractor had followed up with the

pertinent municipal departments as per their requirements. Ms. Philon said that she was trying to come into compliance with codes/requirements of a number of municipal departments.

Mr. Oswalt and Ms. Harden thanked Ms. Philon for her efforts.

Mr. Stone asked for clarification as to which of the affected elevations was the most visible. Mr. Blackwell responded by saying the North (driveway facing) Elevation was the most visible.

Mr. Wagoner addressed the applicants. He explained that the Board was not unhappy with their actions, but he reminded them that special regulations are involved with historic houses such as the subject dwelling.

Mr. Stone noted that Façade's windows remain in situ.

Ms. Harden informed the applicants that if their contractor had pulled a building permit, he would have been notified that a Certificate of Appropriateness was required.

Ms. Philon explained that she had reviewed the citations issued on the property and made lists of all the departments to be contacted in pursuit of addressing all the concerns. She reiterated that she had provided the aforementioned material to her contractor.

Mr. Holmes asked Mr. Blackwell to explain the scenarios for all of the properties cited in the Staff Report. Mr. Blackwell explained the pertinent conditions, applications, and rulings of the aforementioned properties with regard to window replacements. He said that the Board had entertained in previous applications two approaches to resolving after-the-fact approvals of replacement windows which did not meet the Guidelines: 1.) a staggered replacement policy and 2.) and a public view (most visible windows to be made compliant) informed approach.

Conditions and compromises were discussed. Mr. Allen stated that with the exception of 63 North Georgia Avenue and 77 South Lafayette Street, all of the window applications cited above addressed long-standing or "grandfathered" situations.

Mr. Oswalt raised the possibility of approving the existing windows if outside muntins were installed.

Mr. Holmes discussed the construction and materials of windows available on the present day market (custom-made and regular).

Mr. Holmes addressed Mr. Blackwell. He said that in previous discussions regarding replacement windows, New Orleans had been cited as City which prioritized front elevations and afforded allowances on other elevations. Mr. Blackwell said that he was unsure as to New Orleans, but a prioritized treatment was adopted in Baltimore. Ms. Coumanis further clarified the discussion by saying that while New Orleans does prioritize facades, the system is based on a ranking of buildings. Ms. Coumanis delved further into the application for 77 South Lafayette Street. She pointed out that while the building was listed as a non-contributing, it was for purposes of age and style a contributing building. She noted that a compromise based on the public view had been adopted as per that application.

Mr. Holmes weighed the options of public view informed approval versus a staggered replacement approach.

From a technical standpoint, Mr. Holmes said that present wooden replacement windows would not be of the same quality as original windows.



Mr. Allen asked Mr. Patterson if the windows were double-paned in construction. Mr. Patterson answered yes.

Mr. Holmes and Mr. Allen asked several construction related questions.

Ms. Harden reiterated that if a building permit had been pulled, the issue could have been prevented.

Mr. Patterson said that situation changed so quickly. He said that he tried to locate replacement windows, but was unable to do so.

Ms. Hardin said that several local craftspeople, as well as larger manufacturing concerns, create wooden windows.

Mr. Holmes encouraged his fellow Board members to continue working toward a solution.

The removal of the interior and exterior casings was discussed.

Ms. Harden and Ms. Coumanis mentioned the possible availability of salvaged wooden windows.

Mr. Blackwell brought forth two possible alternatives. He suggested that the Board first consider the use of salvaged windows as replacements and that if the suggested salvaged windows did not fit, that Board entertain a staggered replacement policy that would prioritize seven side elevation windows located on the original part of the building.

Discussion ensued as window casings.

It was noted the replacement frames are vinyl in composition.

Mr. Patterson reiterated that he attempted to locate replacement windows prior to removing the original windows.

Ms. Harden stated that windows were obviously a continuing subject of concern. She added that for purposes of this application precedents existed for remediating the unauthorized work.

Mr. Patterson cited a house on Warren Street that had window shields. Mr. Blackwell said that if he understood Mr. Patterson correctly, the treatment referenced was a storm window, an approvable intervention. Ms. Harden noted that storm windows are reversible interventions.

Mr. Oswalt suggested the use of exterior muntins.

Mr. Allen noted that the vinyl sashes and frames would still be present.

Mr. Blackwell mentioned the previously cited solutions, a prioritized public view approach and time based staggered approach. He noted an approval could combine both alternatives.

Mr. Holmes urged for a ruling that was not lenient, but at the same time one that allowed for an effective solution which afforded flexibility for the applicant and respect for the building.

Mr. Blackwell pointed out that other cities take a similar approach.

Ms. Harden informed that applicants that Staff would assist them.

### **FINDING OF FACT**

Mr. Stone moved that, based upon the evidence presented in the application and during the public testimony, the Board finds the facts in the Staff report, amending facts to note that wooden six-over-six replacement windows given by the City to the applicant would be employed on the house's seven original side elevation window bays. It was noted that the casings would be reconstructed in manner in keeping with original proportions and detailing. The timing of the replacements would be worked out with Staff.

The motion received a second and was unanimously approved.

### **DECISION ON THE APPLICATION**

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

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 4/16/15**