

**ARCHITECTURAL REVIEW BOARD**

**August 18, 2010 – 3:00 P.M.**

**Pre-Council Chambers, Mobile Government Plaza, 205 Government Street**

**A. CALL TO ORDER**

1. The Chair, Jim Wagoner, called the meeting to order at 3:00. Cart Blackwell, MHDC Staff, called the roll as follows:  
**Members Present:** Bill James, Tom Karwinski, Bradford Ladd, Harris Oswalt, Craig Roberts, Jim Wagoner, and Barja Wilson.  
**Members Absent:** Gertrude Baker, Carlos Gant, Kim Hardin, and Janetta Whitt-Mitchell.  
**Staff Members Present:** Devereaux Bemis and Cart Blackwell
2. Mr. Oswalt moved to approve the minutes of the August 4, 2010 meeting as amended by the Board. The motion received a second and passed unanimously.
3. Mr. Oswalt moved to approve the midmonth COA's granted by Staff. Mr. Ross Holladay from the audience raised objections to the Mid Month #5. Discussion ensued. Mr. Bemis informed Mr. Holladay and the Board that the building is not within the historic districts, therefore approval of the work was not necessary. A discussion of murals ensued. Mr. Bemis stated that while the Guidelines do not prohibit murals, the Board has ruled against their installation for reasons of interpretation, maintenance, and execution. Mid Month #5 was struck from the Agenda.

**B. MID MONTH APPROVALS: APPROVED WITH THE EXCEPTION OF #5**

1. **Applicant: Robert Barnett for the Mobile Arts Council**
  - a. Property Address: 318 Dauphin Street
  - b. Date of Approval: 7/27/10
  - c. Project: Install a black canvas awning that will extend 23' 6" across the building's façade. The awning will have the same depth as the adjoining awning to the west. Install an aluminum wall sign above the awning. The sign will measure 4.5' in height and 6' ¼" in length. Three metal gooseneck lamps illuminate the sign.
2. **Applicant: Colson Roofing**
  - a. Property Address: 205 Church Street
  - b. Date of Approval: 7/28/10
  - c. Project: Repair portions of the roof. The repair work will match the existing in profile, dimension, and material.
3. **Applicant: Hardee's**
  - a. Property Address: 565 Government Street
  - b. Date of Approval: 7/28/10
  - c. Project: Install a banner across the building's front window for a period of thirty days.
4. **Applicant: Ron Diegan**
  - a. Property Address: 109 Gilbert Street
  - b. Date of Approval: 7/28/10
  - c. Project: Repaint per the existing color scheme, replace rotten wood to match as necessary.
5. **Applicant: Jada Entertainment**
  - a. Property Address: 651 Dauphin Street
  - b. Date of Approval: 7/28/10
  - c. Project: Complete a mural on the building's east elevation.
6. **Applicant: Thomas Roofing for Buster Normann**
  - a. Property Address: 66 Hannon Avenue
  - b. Date of Approval: 7/28/10

- c. Project: Reroof the existing flat roof.

**7. Applicant: James N. Christiansen**

- a. Property Address: 1416 Brown Street
- b. Date of Approval: 7/26/10
- c. Project: Remove the existing six foot interior sections of privacy fence located along the eastern and northern sides of the property. Install new sections of six foot wooden privacy that will feature uniform dog-eared tops.

**8. Applicant: Tim Hoffman**

- a. Property Address: 257 McDonald Avenue
- b. Date of Approval: 8/3/10
- c. Project: Construct two stucco faced dormers. One wall dormer will be located of the north elevation. The two windows of the stucco-faced dormers will feature the same light configuration as the existing windows. The rear elevation will feature a similar stucco-faced wall dormer with two windows of the same configuration and material as the existing. Reroof the house with 3-tab architectural shingles. Repaint per the existing.

**9. Applicant: Aaron and Alison Henry**

- a. Property Address: 260 Dexter Avenue
- b. Date of Approval: 8/4/10
- c. Project: Remove a later replacement door. Install a historically appropriate wood paneled and glazed door. Paint the porch ceiling a pale blue. Paint the house's detailing Valspars Vino.

**10. Applicant: Banks & Mary Carol Ladd**

- a. Property Address: 106 Levert Avenue
- b. Date of Approval: 8/5/10
- c. Project: Remove the existing front walk. Install a new entrance walk featuring a concrete foot path flanked by Old Mobile bricks. The concrete foot path will be stained to match the existing concrete on the property.

**11. Applicant: Thomas Industries**

- a. Property Address: 206 Government Street
- b. Date of Approval: 8/6/10
- c. Project: Patch the building's flat roof.

**C. APPLICATIONS**

**1. 2010-62-CA: 113 Garnett Avenue**

- a. Applicant: Will Brown, Jr.
- b. Project: After-the-Fact-Approval – Install a gate and fence enclosure; Install interior lot privacy fencing. Replace the porch steps. Install a balustrade. Install a concrete drive.

APPROVED AS AMENDED. CERTIFIED RECORD ATTACHED.

**2. 2010-63-CA: 106 Levert Avenue**

- a. Applicant: Banks and Mary Carol Ladd
- b. Project: Install an entrance pad between the sidewalk and the street.

APPROVED. CERTIFIED RECORD ATTACHED.

**D. OTHER BUSINESS**

- 1. Guidelines
- 2. Discussion

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

**2010-62-CA:**           **113 Garnett Place**  
**Applicant:**           **Will Brown, Jr.**  
**Received:**           **7/27/10**  
**Meeting:**             **8/18/10**

**INTRODUCTION TO THE APPLICATION**

Historic District:       Old Dauphin Way  
Classification:        Contributing  
Zoning:                R-1  
Project:                After-the-Fact-Approval – Install a gate and a fence enclosure; Install interior lot privacy fencing. Replace the porch steps. Install a balustrade. Paint the house. Install a concrete drive.

**BUILDING HISTORY**

This circa 1910 hipped roof house features a broad front porch and overhanging eaves.

**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 house has never appeared before the Architectural Review Board. The house faces Garnett Avenue, but the rear of the property is accessible from Campbell Street. Staff received a 311 call regarding the unauthorized installation of a wooden gate and flanking sections of fencing off the Campbell Street entrance. A Notice of Violation was issued on May 22, 2010. The applicant submits a request to retain the gate and the fencing, as well as install additional interior lot fencing around the backyard, install balusters on the front porch, construct new front steps, and install a concrete driveway.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. Fencing “should complement the building not detract from it. Design, scale, placement and materials should be considered along with their relationship to the Historic District. The height of solid fences in historic districts is generally restricted to six feet, however, if a commercial or multi-family housing adjoins the subject property, an eight foot fence may be considered. The finished side of the fence should face toward the public view. All variances required by the Board of Adjustment must be obtained prior to the issuance of Certificate of Appropriateness.
  - 2. “The porch is an important regional characteristic of Mobile architecture. Historic porches should be maintained and repaired to reflect their period. Particular attention should be paid to handrails, lower rails, decking, posts/columns, proportions and decorative details.”
  - 3. “The balustrade of the stairs should match the design and materials of the porch.”
  - 4. “MHDC can provide sample drawings of appropriate porch railings.”
  - 5. “Modern paving materials are acceptable in the historic districts. However, it is important that the design, location and materials be compatible with the property.”

C. Scope of Work:

1. Retain a six foot dog-eared gate with flanking sections of fencing located off the Campbell Street entrance to the property.
2. A metal frame fronts the public view of the gate.
3. The finished face of the fence does not face public view.
4. Remove the sections of chain link fence extending along the interior eastern lot line and western lot line (the interior front-facing and rear of the property).
5. Install sections of wooden fencing (gates to swing inward to east) on the location of the above referenced chain link fencing. The fencing will be of the same height and design as that located off Campbell Avenue.
6. Install a turned spindle railing between the front porch's columnar piers (per submitted photograph). The railing will be 32" to 34" inches in height.
7. Remove the front porch's concrete steps and flanking stucco-faced antipodia.
8. Install wooden steps in place of the existing steps and antipodia.
9. Railings matching those proposed for the porch will be located at either end of the proposed steps.
10. Paint the body of the house Olympic's Toasted Almond (per submitted sample).
11. Install a concrete drive that will extend from the Garnett Avenue vehicular entrance to the Campbell Avenue vehicular entrance.

**Clarifications**

1. Will the finished side of the proposed fencing face the public view?
2. What is the plan of the proposed concrete driveway

**STAFF ANALYSIS**

This multipart application consists of a request for the after-the-fact approval of unauthorized work and proposals for additional alterations to the property.

With regard to the executed sections of fencing and the gate located off of Campbell Street, the vehicular gate's metal framing faces the public view, while the finished side of the flanking fencing faces the inner lot. The Guidelines for Mobile's Historic Districts state that the finished side of fencing should face the public view. As constructed, the unauthorized gate and fencing impairs the integrity of the property and the district. The finished side of the fencing should face outward and the metal framing should not be visible from the public view.

While the proposed extension of the six foot dog-eared fence would result in the replacement of sections of chain link fencing along the interior lot and west lot lines, the finished side of the proposed fencing would need to face the public view to be in compliance with the Guidelines.

As per the work proposed alterations to the front porch, the Design Review Guidelines for Mobile's Historic Districts state that historic porches should be maintained and preserved. This house's porch is unaltered in both its overall form and detail. Open porches typified the many bungalow influenced houses. This house did not feature a railing or balustrade. The installation of the proposed spindled balustrade would alter the historical and architectural integrity of this house. The original steps and antipodia survive intact. The removal of the steps and antipodia and their replacement with wooden steps and railing would alter the historical and architectural integrity of the façade.

With regard to the painting of the house, the proposed color does not impair the visual aesthetics of property or the streetscape.

The applicant has not provided a survey or a site plan showing the dimensions and location of the proposed drive.

### **STAFF RECOMMENDATION**

Based on B (1), Staff believes the unauthorized fencing and gate impair the architectural and historical character of the building and the district. The finished side of the fencing and the metal armature should not face the public view. As installed, Staff does not recommend approval of this portion of the application. Staff suggests creating a shadow box fence on the public side that would allow the current fence to remain while coming into compliance with the guidelines. The metal armature of the gate could be covered in a similar fashion.

Based on B (1), Staff recommends approval of the proposed fencing on the condition that the finished sides face the public view. Approval of the new section of western fencing is further conditional on the approval of the unauthorized fencing located about the western entrance to the property.

Based on B (2), Staff believes proposed front porch railings and steps impair the architectural and historical character of the building and the district. Staff does not recommend approval of this portion of the application.

Staff does not believe the proposed paint color impairs the architectural or the historical character of the building or the district. Staff recommends approval of the painting of the body of the house.

Without a plan to review, Staff cannot recommend approval of the proposed drive.

### **PUBLIC TESTIMONY**

Mr. Will Brown was present to discuss the application.

### **BOARD DISCUSSION**

Mr. Blackwell informed the Board that applicant would like to amend the portion of his application pertaining to the driveway. He told the Board that the applicant would like to install a concrete drive on the location of the existing ribbons.

The board discussion took place concurrently with the public testimony. Mr. Wagoner asked Mr. Brown if he had any comments to make or questions to ask with regard to the Staff Report. Mr. Brown answered no.

Mr. Wagoner asked the applicant if he was amenable to the Staff Recommendations regarding the fence. Mr. Brown said he would comply with the recommendations. Mr. James asked Mr. Wagoner if the applicant could choose between shadow boxing or flipping the fencing. Since both alternatives would result in the finished side of the fence facing the public view, Mr. Wagoner said that either solution was acceptable. Mr. Karwinski informed the Board that by virtue of its location, this lot constituted a double-fronted property. He said that a six foot fence was not acceptable for the front portion of a double-fronted property and that the record needed to reflect the fence would be located in the rear not the front.

Mr. Wagoner addressed the work proposed for the porch. He told the applicant that the Staff Recommendations regarding the porch were based on concerns for the architectural integrity of the building. Mr. Brown told the Board that other houses in the vicinity featured front porches with railings. Mr. Wagoner pointed out that while the surrounding houses might feature front porch railings, this house's porch was never enclosed by a railing or balustrade. Mr. Bemis told the applicant that if he proposed the railing for reasons of security or privacy, the use of planters between the columns would abet both concerns. Mr. Brown told the Board that his concerns were more aesthetic based. Mr. Roberts told the applicant that not only did documentation exist proving this house never featured a railing, but also the design of the proposed railing was not appropriate for the house. He said that a spindled Victorian era railing was not in keeping with an early 20<sup>th</sup>-Century bungalow. Mr. Roberts told Mr. Brown that the Guidelines state that alterations to historic porches should not alter their essential form or integrity.

Mr. Wagoner agreed with Mr. Roberts. He told Mr. Brown that the same criteria mentioned in relation to the railing applied to the proposed front steps. Mr. Bemis suggested that the applicant repair the front steps. Mr. Wagoner asked the applicant if he was amendable to repairing, as opposed to replacing, the front steps. Mr. Brown said he would repair the steps.

Mr. Wagoner asked the applicant where the proposed driveway would stop. Mr. Brown told the Board that he would like to continue the drive into the backyard. Mr. Bemis and Mr. Blackwell informed the Board that if the applicant wanted to hardsurface a vehicular passage between Garnett Avenue and Campbell Street he would first need to obtain approval from the offices of Traffic and Engineering and Right of Way. Discussion ensued as to the location of the driveway. Since there was no site plan, the Board discussed the approval of the installation of a concrete drive that would terminate at the existing gate accessing the backyard. Pending approval from both Traffic Engineering and Right of Way, the Board authorized Staff to authorize on a midmonth level the remainder of the driveway.

## **FINDING OF FACT**

Mr. Oswalt 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 stipulate the that all fencing will face the public view, the concrete drive will terminate at the vehicular gate, the remainder of driveway will be subject to Staff approval, and the steps will be repaired.

The motion received a second and was unanimously approved.

## **DECISION ON THE APPLICATION**

Mr. Oswalt moved that, based upon the facts as amended by the Board, the application does impair the historic integrity of the district or the building and that a Certificate of Appropriateness be issued for all aspects of the application as amended except for the porch railing which is denied..

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 8/18/11**

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

**2010-63-CA: 106 Levert Avenue**  
**Applicant: Banks and Mary Carol Ladd**  
**Received: 8/5/10**  
**Meeting: 8/18/10**

**INTRODUCTION TO THE APPLICATION**

Historic District: Ashland Place  
Classification: Contributing  
Zoning: R-1  
Project: Install an entrance pad between the sidewalk and the street.

**BUILDING HISTORY**

This hipped roof house with a recessed front porch flanked by gabled pavilions was constructed was constructed in 1935.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. This property last appeared before the Architectural Review Board on February 4, 2009. At that time the Board approved the construction of a rear addition. The applicants appear return to the Board with a request to install an entrance between the sidewalk and Levert Avenue.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “Modern paving materials are acceptable in the historic districts. However, it is important that the design, location and materials be compatible with the property.”
- C. Scope of Work:
  - 1. Install a new entrance pad between the sidewalk and the street.
    - a. The entrance pad will measure 12’ in width and 10’ in depth.
    - b. The treatment of the entrance pad will match the hourglass-shaped entrance walk.
      - 1. The pad’s concrete walking path will be stained to match concrete found elsewhere on the property, namely the hourglass-shaped walkway.
      - 2. Old Mobile bricks will border the pad’s concrete walking path.

**STAFF ANALYSIS**

On August 4, 2010, Staff approved the removal of the old irregular cut concrete entrance walkway and pad. The walkway had been damaged during the course of the house’s ongoing renovations. By virtue of being located between the street and the sidewalk, the entrance pad is within the jurisdiction of the office of Right of Way. The office of Right of Way requests Architectural Review Board approval of the proposed entrance pad since the pad will be bordered with brick. While most pads are uniform concrete, Staff would like to point out two brick entrance pads (#s 201 and 207) one brick vehicular driveway

entrance (#159) on Levert Avenue. Since the materials and the finish of the proposed pad will match the entrance walkway and the materials are historically appropriate to the district, Staff does not believe the proposed pad will alter the integrity of the property or the streetscape. However, Staff suggests the Board develop a policy for this type of arrangement in conjunction with the City Engineering Department of the City of Mobile.

### **STAFF RECOMMENDATION**

Based on B (1), Staff does not believe this application impairs the architectural or the historical character of the building or the district. Staff recommends approval of this application.

### **PUBLIC TESTIMONY**

Banks and Mary Carol Ladd were present to discuss the application.

### **BOARD DISCUSSION**

Mr. Bemis stated that while Staff evaluated the application on historical and aesthetic grounds, since the pad would be located in the right of way it also concerned the Engineering Office of the City. He told the Board that Engineering wanted to establish a policy, in conjunction with the Board, for reviewing right of way projects within the historic districts. Mr. Bemis introduced Nick Amberger and Rosemary Sawyer from the Engineering Department to the applicants and the Board.

The board discussion took place concurrently with the public testimony. Mr. Wagoner asked the applicants if they had any comments to make or questions to ask with regard to the Staff Report. Mr. Ladd told the Board he was unsure as to whether the portion of his property in question had been deeded to the City. Mr. Amberger stated that generally the area from the back of the sidewalk to the street was considered part of the public right of way. He told the Board that City ordinances stipulated concrete as the only approvable material for pedestrian pathways occupying the right of way. Mr. Amberger added that since the property is located within a historic district it is also under Architectural Review jurisdiction, thus allowing for further consideration.

Mr. Wagoner told Mr. Amberger that in reviewing the application the Board was giving the project consideration. Mr. Amberger acknowledged the Board's role and thanked them for their efforts. He reiterated that for sidewalks adjoining properties not located within historic districts concrete is the only approved sidewalk material. Mr. Amberger told the Board that the generic nature of the stipulation was economically based. He explained that in the event of maintenance-related repairs and removals, the City could not replace certain expensive paving materials. Mr. Wagoner told Mr. Amberger that he understood his concerns, but the Architectural Review Board was established to review and protect the City's historic character, sidewalks included. Mr. Amberger answered by saying that he simply wanted to communicate the concerns of his office.

Mrs. Ladd addressed Mr. Amberger and the Board. She told the Board that according to the brick mason, the bricks bordering the concrete pad would be laid in such a manner as to be easily removed and reset.

Mr. Karwinski addressed the Board. He said that believed that the pad was too wide, therefore out of character for the district. Mr. Roberts said that the pad was suitable for modern vehicles. Mr. Ladd told the Board that the pad was designed to allow ingress and egress from a multi-door vehicle.

Mr. Bemis said in the interest of public disclosure that the Board was given its authority over sidewalks by City Council not to establish a new sidewalk standard to but allow exceptions in historically



significant cases. He told the Board that in this particular instance a brick bordered landing pad would aesthetically appropriate, but it might prove to be a maintenance and financial burden upon the city.

Mr. Ladd explained that all he and his wife proposed to do was to install a concrete pad bordered by bricks. He said that there would be no financial burden for the City.

Mr. James asked if there were any utilities located in that section of the right of way.

Mr. Amberger told the Board that in effort to protect tax dollars any cost of repair above the standard amount for concrete should be born by the property owner.

Mr. Bradford Ladd told Mr. Amberger that he and the Board realized his concerns, but he should take into account the role played by the City's historic districts. He told Mr. Amberger and the Board that the City actively markets the historic districts to tourists and investors alike.

Mr. Amberger explained to the Board that in effect there were multiple "owners" of the right of way. He said that the City, MAWSS, and Mobile Gas all have obligations regarding those areas designated a public right of way.

Mr. Ladd told the Board that since he was both a neighbor and a relation of the applicants, he would abstain from the ruling.

Mr. Wagoner closed the period of public comment.

#### **FINDING OF FACT**

Mr. Roberts 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. Roberts 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: 8/18/11**