

ARCHITECTURAL REVIEW BOARD MINUTES

August 4, 2010 – 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: Gertrude Baker, Bill James, Thomas Karwinski, Bradford Ladd, Harris Oswalt, and Craig Roberts.

Members Absent: Carlos Gant, Kim Hardin, Jim Wagoner, Janetta Whitt-Mitchell, and Barja Wilson.

Staff Members Present: Devereaux Bemis, Cart Blackwell, Keri Coumanis, and John Lawler.

2. Mr. Karwinski moved to approve the minutes of the July 21, 2010 meeting. The motion received a second and passed unanimously.
3. Mr. Karwinski moved to approve the midmonth COA's granted by Staff as amended by the Board. The motion received a second and passed unanimously.

B. MID MONTH APPROVALS: APPROVED

1. Applicant: Papilion: Sharleen Begnaud

- a. Property Address: 9 South Joachim Street
- b. Date of Approval: 7/9/10
- c. Project: Install 2 foot by 3 foot wood sign with vinyl lettering and logo per the submitted plan. To be hung from the existing frame.

2. Applicant: Claude Boone

- a. Property Address: 5 North Claiborne Street
- b. Date of Approval: 7/9/10
- c. Project: Replace the existing sign suspended from the free-standing sign frame with a new aluminum sign.

3. Applicant: Josh Boone

- a. Property Address: 25 South Lafayette Street
- b. Date of Approval: 7/12/10
- c. Project: Install a six foot interior lot privacy fence along the lot lines. The fence not exceed beyond the front plane of the house.

4. Applicant: Marcio Simao

- a. Property Address: 201 Roper Street
- b. Date of Approval: 7/12/10
- c. Project: Repair rotten woodwork about the eaves. The work will match the existing in profile, dimension, and material. Repaint per the existing color scheme.

5. Applicant: Kern Jackson

- a. Property Address: 912 Savannah Street
- b. Date of Approval: 7/13/10
- c. Project: Repaint per the existing color scheme.

6. Applicant: Nancy Seibt

- a. Property Address: 112 Beverly Court
- b. Date of Approval: 7/13/10
- c. Project: Remove the interior lot chain link fencing and install a six foot wooden privacy fence.

7. Applicant: YB Development LLC

- a. Property Address: 1217 Government Street
- b. Date of Approval: 7/13/10

- c. Project: Install a wooden sign on the existing monument sign. The sign will measure 2 feet in height and 5 feet in length. Ground level spotlights will illuminate the sign.
- 8. Applicant: Eric Crocker**
- a. Property Address: 28 South Lafayette Street
 - b. Date of Approval: 7/13/10
 - c. Project: Replace a pair of six-over-six windows to match the existing.
- 9. Applicant: Amy Baker**
- a. Property Address: 8 Houston Street
 - b. Date of Approval: 7/15/10
 - c. Project: Mount a one foot square sandblasted sign to the siding adjacent to the door.
- 10. Applicant: Cameron Pfeiffer and Shane Traylor**
- a. Property Address: 204 Michigan Avenue
 - b. Date of Approval: 7/19/10
 - c. Project: Renewal of a COA from August 5, 2009 involving the restoration of the façade and the repair and replacement of decorative and structural fabric.
- 11. Applicant: James Fernandez**
- a. Property Address: 64 North Reed Street
 - b. Date of Approval: 7/19/10
 - c. Project: Update COA of 10/29/2007. Replace existing front door with the original wooden door stored in the garage. The door will be prepped and painted. Repair rotten wood on the back of the deck and expand it to sit on the existing brick patio area, installing a handrail to match the front porch. Replace front sidewalk as existing.
- 12. Applicant: Sweat Tire**
- a. Property Address: 600 Government Street
 - b. Date of Approval: 7/20/10
 - c. Project: Repaint the existing metal wall sign.
- 13. Applicant: Mike Turner**
- a. Property Address: 22 South Conception Street (204 Conti Street)
 - b. Date of Approval: 7/21/10
 - c. Project: Suspend a wooden sign from overhanging brackets. The sign will measure 1.6 feet in height and 4 feet in length.
- 14. Applicant: Irv Horton**
- a. Property Address: 1363 Government Street
 - b. Date of Approval: 7/21/10
 - c. Project: Mount a 20" x 148" sign to the canopy's north elevation. The aluminum sign will be non-lighted.
- 15. Applicant: Charles Barkley**
- a. Property Address: 1352 Dauphin Street
 - b. Date of Approval: 7/21/10
 - c. Project: Replace rotten wood as necessary to match existing in profile, dimension and material. Paint house in the existing color scheme. This renews a COA from November 14, 2007.
- 16. Applicant: T & E Grub**
- a. Property Address: 1252 Government Street
 - b. Date of Approval: 7/21/10
 - c. Project: Install a 30 sq ft sign: sign to be vinyl letters; crimson in color; mounted on the building; utilize the existing lighting on the building. Paint the building BLP Claiborne St Red; trim to be either cream or white.

C. APPLICATIONS

1. 2010-59-CA: 1671 Government Street

- a. Applicant: Kim and Susan Richardson
- b. Project: Install operable Bermuda shutters over the first floor's northeast corner double windows.

APPROVED AS AMENDED. CERTIFIED RECORD ATTACHED.

2. 2010-60-CA: 8 Semmes Avenue

- a. Applicant: Martin Lester and Thomas Gardner
- b. Project: Construct a rear addition.

APPROVED AS AMENDED. CERTIFIED RECORD ATTACHED.

3. 2010-61-CA: 1009 Savannah Street

- a. Applicant: Alan C. Ivy
- b. Project: After-the-Fact-Approval – Retain a storage shed/lean-to; Install a privacy fence.

APPROVED IN PART. DENIED IN PART. CERTIFIED RECORD ATTACHED.

D. OTHER BUSINESS

1. 61 North Ann Street

Mr. Blackwell reminded the Board that the application for 61 North Ann Street was tabled at the July 21, 2010 meeting. He then reviewed the application, a request for after-the-fact-approval of a deck and interior lot fencing.

Mr. Ladd told the Board that since the previous meeting he had driven past the property on numerous occasions. He said that the work improved the appearance of the property and the district. Ms. Baker and Mr. Roberts agreed.

Mr. Roberts added that while he applauded the applicant's ongoing work on the house and grounds, the unauthorized fence set a bad precedent. He said that since multi-family property abutted only one side of the lot, the eight foot fencing should not be allowed to extend to those sides of the lot which do not adjoin multi-family or commercial properties. Ms. Coumanis, Mr. Bemis, and Mr. Blackwell said that the Guidelines do not make such a distinction. That said, Mr. Bemis said that each application should be reviewed on an individual basis. A discussion of setback issues and height concerns ensued. The site plan provided by the applicant was consulted. Ms. Coumanis reminded the Board of the Staff Recommendation outlined in the previous agenda. Mr. James said that not only did the fence meet the height requirements established by the Guidelines, but also by virtue of the tall buildings located along Ann Street was proportionally suited to both the house and the streetscape.

Mr. Roberts and Mr. Oswalt raised concerns as to the height of the continuous eight foot fence. The applicant, Mrs. Rosalyn A. Thurman, told the Board that the fencing was aimed to prevent foot traffic from traversing the lot and to prevent her dogs from leaving the yard. Mr. Roberts said that the Board would be breaking precedent in approving an 8' foot fence with a lattice top. Mr. Bemis reminded the Board of a previously approved application for an eight foot fence with a lattice top.

Mr. Roberts said that neither the Guidelines nor the Ordinance allow eight foot fences with lattice tops. Ms. Coumanis pointed out that neither document disallows such a

fence. Mr. Oswalt asked to be reminded of the Staff's explanation. Ms. Coumanis told the Board that Staff recommended the removal of section of the south lot line fence that extends beyond the southern termination of the interior lot eastern fence, as well as the lattice top located behind the porte-cochere. Mr. Ladd made a motion to approve the facts cited in the previous agenda as again presented by Staff. Mr. Karwinski voted in opposition. Mr. Ladd moved that the fencing does not impair the architectural or the historical character of the district. The motion failed. Mr. Oswalt, Mr. Karwinski, and Mr. Roberts voted in opposition.

Mr. Oswalt made a motion that fence does impair the architectural and historical character of the building and the district, but be approved on the condition that the sections of lattice atop the section south lot line fence extending beyond the termination of the eastern interior lot line fence be removed, as well as the sections of lattice behind the porte cochere and atop the two northernmost sections of the western lot line fence. The motion did not receive a second.

Mr. Karwinski suggested that a Design Review Committee be convened to solve the problematic application. Mr. Ladd said that there seemed to be three points of contention regarding the fence. For reasons of clarification and resolution, he outlined the three points: the section of the south lot line fence extending beyond the termination of the eastern lot line fence; the section of lattice located behind the porte-cochere; and the two northernmost sections of lattice atop the western lot line fence. Ms. Coumanis reiterated Staff's recommendations and concerns. She provided the Board four points to aid in the Board's review: the Guidelines do not disallow eight foot fences featuring lattice tops; 8' fencing on properties abutting multi-family or commercial properties is not restricted to the abutting side alone; and specific site concerns regarding this application. Two failed motions ensued.

Mr. Ladd made a motion calling for the removal of the lattice panel atop the section of the south lot line fence that extends beyond the termination of the eastern lot interior lot line fence and the removal of the two northernmost sections of lattice atop the west lot line fence. The motion passed. Mr. Karwinski voted in opposition. Staff was authorized to issue a Certificate of Appropriateness for the amended application.

2. Discussion

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

2010-59-CA: 1671 Government Street
Applicant: Kim and Susan Richardson
Received: 7/16/10
Meeting: 8/4/10

INTRODUCTION TO THE APPLICATION

Historic District: Leinkauf
Classification: Contributing
Zoning: R-1
Project: Install operable Bermuda shutters over the first floor's northeast corner double windows.

BUILDING HISTORY

This house, a consciously built duplex, was constructed in 1955.

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. The applicants appear before the Board with a request to install operable Bermuda shutters over the first floor's two northeast corner windows. These window openings, which are part of an early porch addition, were altered at an unknown date.
- B. The Design Guidelines for Mobile's Historic Districts state, in pertinent part:
 - 1. "Blinds and shutters were integral and functional components of historic buildings. Blinds and shutters should be sized to fit the reveal of the window opening precisely."
 - 2. "Operable 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 20th-century buildings. Evidence must be presented of their use when requested."
- C. Scope of Work:
 - 1. Install operable Bermuda shutters over the first floor's two northeast corner double windows.
 - a. The shutters will be made of a composite material.

Clarifications

- 1. Will the proposed shutters be installed as single or coupled units?
- 2. Will the shutters fit the reveal?
- 3. Could the applicant provide a sample of the proposed shutters?

STAFF ANALYSIS

The proposed shutters will be located on windows occupying northeast corner bays of an early sun porch addition. Based on the continuous foundation, a terrace likely occupied the location of the existing sun porch. The 1955 Sanborn does not indicate the porch. It was constructed and then enclosed at slightly later date. The windows were altered at unknown date. The first set of first floor windows were likely aluminum framed jalousies like those located on the second floor.

By virtue of the prominent location at the corner of Government Street and Park Terrace, the windows are visible from the public view. Taking into account the nature of the space (a former sun porch) the restricted location of the shutters (they will not extend the full length of either the east or north elevations), and the reversibility of the proposal, the shutters would not impair the integrity of the building or the district.

STAFF RECOMMENDATION

Based on B (1-2), Staff does not believe this application impairs the architectural or the historical character of the building or the district. Pending clarification of the design, installation, and durability of the proposed shutters, Staff recommends approval of this application.

PUBLIC TESTIMONY

Kim Richardson was present to discuss the application.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony. Mr. Oswalt asked Mr. Richardson if he had any clarifications to make or questions to ask with regard to the Staff Report. Mr. Richardson answered no, but he provided the Board with a shutter sample requested by Staff.

Mr. Roberts asked Mr. Richardson how many shutters would be used on each of the two window units. Mr. Richardson told the Board that each window would have its own shutter. Mr. Roberts warned Mr. Richardson that using a single shutter for each window would call for longer louvers. He said that the longer the louver had a propensity to warp.

The Board then discussed the material composition and durability of the proposed shutters. The sample provided by Mr. Richardson was circulated among the Board.

Mr. Roberts asked a second time for clarification of the number of shutters proposed for each double window unit. Mr. Richardson said there would be two shutters for each of the two units.

Mr. Karwinski voiced concern as to how the shutters would fit within the window reveals. He suggested the use of two shutters per individual unit or four shutters for each unit. Mr. Roberts asked the applicant if he would be amenable to amending the application to specify the use of four shutters per double unit or two shutters per individual unit. Mr. Richardson answered yes.

Mr. Oswalt asked there was anyone from the audience who wished to speak for or against the application. Upon hearing no response, Mr. Oswalt 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, amending fact to allow the use of four shutters per double window unit or two shutters per individual window.

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Mr. Roberts 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: 8/4/11

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

2010-60-CA: 8 Semmes Avenue
Applicant: Dr. Martin Lester
Received: 7/19/10
Meeting: 8/4/10

INTRODUCTION TO THE APPLICATION

Historic District: Old Dauphin Way
Classification: Contributing
Zoning: R-1
Project: Construct a rear addition.

BUILDING HISTORY

This circa 1900 foursquare dwelling features a two-tiered portico and a prominent door surround.

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. The applicant proposes the construction a single story rear addition.
- B. The Design Review Guidelines for Mobile’s Historic Districts and the Secretary of the Interior’s Standards for Historic Rehabilitation state, in pertinent part:
 - 1. “New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.”
 - 2. “New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential forma and integrity of the historic property and its environment would be unimpaired.”
- C. Scope of Work (per submitted plans):
 - 1. Construct a single story addition off the rear elevation’s projecting ell.
 - a. Remove an existing one-over-one window on the existing ell’s south elevation.
 - b. The addition will measure 26.2’ in depth by 20’ 9 ¼” in length.
 - c. The existing siding located at the southeast corner of the house will be furred Out to be in line with the addition.
 - d. The addition will rest of brick-veneered piers to match the finish of those on the of the body of the house.
 - e. Framed, suspended, and recessed lattice skirting will extend between the foundation piers.
 - f. A hipped roof will surmount the addition.
 - g. The roof will be covered with asphalt shingles that will match the existing.

- h. The addition's wooden one-over-one windows will match the existing.
 - i. The siding, eaves, drip cap, window surrounds, and corner posts will match the existing in profile, dimension, and material.
 - j. The south elevation will feature two one-over-one windows.
 - k. The east elevation will feature a centered horizontal transom window.
 - l. The north elevation will feature two one-over-one windows
2. Replace a window on the rear elevation's southeast corner ell to match the existing in profile, dimension, and material.

CLARIFICATIONS

- 1. Will the addition be demarcated by corner posts?
- 2. Will the windows removed from the body of the house be reused or stored onsite?

STAFF ANALYSIS

The Design Review Guidelines for Mobile's Historic Districts and the Secretary of the Interior's Standards for Historic Rehabilitation state that additions to historic buildings should be differentiated from yet complementary to the subject property. The proposed one story addition will extend from a rear two-story ell. The rear ell was altered and possibly expanded at an early. The addition would be minimally visible from the public right of way.

As proposed, the design and the materials meet the standards established by the Design Review Guidelines for Mobile. Wooden siding, one-over-one windows, and asphalt shingles will match the existing. While the single story massing would demarcate the transition from the older house to the newer addition, the use of corner posts would more clearly differentiate the historic core of the building from the expanded rear ell.

STAFF RECOMMENDATION

Based on B (1-2), Staff does not believe this application impairs the architectural or historical character of the building or the district. Staff recommends approval of the application on the condition that the rear ell's east elevation corner posts be reinstalled or replicated.

PUBLIC TESTIMONY

Dr. Martin Lester was present to discuss the application.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony. Mr. Oswalt asked the applicant to state his name. The applicant told the board his name. Mr. Oswalt asked Dr. Lester if he had any clarifications to make or questions to ask with regard to the Staff Report. Dr. Lester answered no.

Mr. Roberts asked Mr. Lester about the existing windows. Mr. Oswalt asked Dr. Lester if he was amenable to using a corner board to mark the transition from the existing house to the proposed addition. Dr. Lester answered yes. Mr. Oswalt asked if there was anyone from the audience who wished to speak for or against the application. Upon hearing no response, Mr. Oswalt 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, amending facts to add the use of a corner post to demarcate the transition from the existing house to the rear addition

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Mr. Roberts 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: 8/4/11

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

2010-61-CA: 1009 Savannah Street
Applicant: Alan C. Ivy
Received: 7/13/10
Meeting: 8/4/10

INTRODUCTION TO THE APPLICATION

Historic District: Oakleigh Garden
Classification: Contributing
Zoning: R-1
Project: After-the-Fact-Approval – Retain a storage shed/lean-to; Install a privacy fence.

BUILDING HISTORY

This single story side hall house was constructed in 1911.

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 26, 2007. At that time, the Board approved the construction of a rear addition. On May 22, 2010, Staff received a 311 call regarding the construction of a storage shed/lean-to. A Notice of Violation was issued. The applicant submits a request to retain the storage shed/lean-to and to install an interior lot privacy fence.
- B. The Design Review Guidelines for Mobile’s Historic Districts and the Secretary of the Interior’s Standards for Historic Rehabilitation state, in pertinent part:
 - 1. “An accessory structure is any construction other than the main building on the property. It includes but is not limited to garages, carports, pergolas, decks, pool covers, sheds and the like. The appropriateness of accessory structures shall be measured by the guidelines to new construction. The structure should complement the design and scale of the main building.”
 - 2. “New additions, or alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.”
 - 3. “Fencing should complement the building and 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 the historic districts is generally restricted to six feet, however, if a commercial property or multi-family housing adjoins the subject property, an eight foot fence may be considered. The finished side of the fence should face the public view. All variances required by the Board of Zoning Adjustment must be obtained prior to the issuance of a Certificate of Appropriateness.”
- C. Scope of Work:

1. After-the-Fact-Approval – Retain a storage shed/lean-to located off the west elevation
 - a. The storage shed measures 8’ 6” in length, 3’ 6” in depth, and 7’ in height (to the apex of the shed roof).
 - b. The storage shed/lean-to features vertical board siding, a double west-facing door, and slate roof. If approved, it will be sheathed with wooden clapboards to match the house.
 - c. The siding and trim will be painted to match the house’s color scheme.
 - d. The storage shed/lean-to is located less than five feet from the property line.
 - e. Landscape around the storage shed/lean-to.
2. Install an 8’ interior lot fence along the west lot line.
 - a. The fence will extend 50 feet along the west lot line.
 - b. The fence will feature a dog-eared top.
 - c. The small expanse of gate/fence extending between 1009 and 1011 Savannah Street will be removed.
 - d. A lattice gate will be installed between the house and the proposed fence (on the location of the existing fence/gate)

CLARIFICATIONS

1. What is the design of the gate?
2. Will the finished side of the fence face outward?

STAFF ANALYSIS

This two part application concerns the after-the-fact-approval of a storage shed/lean-to and the installation of an interior lot fence.

Project I

With regard to the after-the-fact-approval of the storage shed, the location, visibility, and design of the structure all raise concerns.

The structure is located less than five feet from the property line. According to the historic district overlay for districts zoned residential, new construction or installations may be located as close to the lot line as any existing structure located within one hundred feet of the property (that is if the existing example is located on the same side of the street). 1011 Savannah Street, the neighboring property, is located 14” from the property line therefore; the shed meets setback requirements established by the Board of Zoning Adjustment (The applicant would be required to install a gutter on the shed, as well as obtain a building permit.).

While the location of the shed meets setback requirements and could meet run off requirements, the structure poses concerns. Though functioning as an ancillary structure, the storage shed/lean-to is attached to the body of the house, thus constitutes an addition. The materials meet the standards established by the Design Review Guidelines for Mobile’s Historic Districts, but the design and location of the shed/lean-to infringe upon the architectural integrity of the house and the streetscape.

Project II

Though not visible from the public right of way, the fence/gate that shields the shed was installed without authorization. That said, fences located in plane with the body of the house are regularly approved. Additionally, the applicant proposes replacing the fence/gate with a latticed gate.

With regard to the proposed fence, the height of solid fencing is restricted to six feet. Exceptions are made for buildings located adjacent to multi-family or commercial properties. The applicant proposes an eight foot fence. All the properties adjoining 1009 Savannah Street are single family residences. As proposed, the fence exceeds the height limits established by the Guidelines.

STAFF RECOMMENDATION

Project I

Based on B (1-2), Staff believes the portion of the application regarding the after-the-fact-approval of the shed/lean-to impairs the Architectural integrity of the building and the district. Staff does not recommend approval of this portion of the application.

Project II

Based on B (3), Staff believes the portion of the application regarding the proposed fence impairs the Architectural integrity of the building and the district. Staff does not recommend approval of the fencing as proposed.

PUBLIC TESTIMONY

Allan Ivy was present to discuss the application.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony. Mr. Oswalt asked Mr. Ivy if he had any clarifications to make or questions to ask with regard to the Staff Report. Mr. Ivy explained to the Board that the storage shed and proposed gate were part of ongoing efforts to beautify and improve the property. He mentioned that in 2007 he was granted approval to construct a rear addition. This addition he pointed out occupies what was once his backyard. Mr. Ivy explained that with so few open spaces on the lot, he was limited as where he could construct a shed which to store lawn maintenance and home repair tools. He said that he was obviously aware as to how close his and his neighbor's houses are to one another. Mr. Ivy alluded to how close his western neighbor's house is to his lot line. He said he intended to face the shed with siding to matching that of the house, as well as install copper flashing. Mr. Ivy pointed out that, as constructed, the fence was only 4' 3" from the property line. He stated that other nearby structures, the property to the west among them, were closer to adjoining properties.

Mr. Blackwell told the Board that Staff had consulted with the Office of Urban Development. He said, as referenced in the Staff Report, that the shed meets the setback requirements for buildings located with the historic district residential overlay. Mr. Blackwell stated that the shed appears before the Board as a design-related after-the-fact-approval.

Mr. Roberts asked the siding proposed for the shed and the design of the proposed gate. He asked Mr. Ivy if he would be willing to drop the height of the fence/gate to six feet so to bring it into compliance with the Guidelines. Mr. Ivy answered yes, saying while he would like to install the fence, he main priority was to retain the shed. Mr. Karwinski voiced concerns as to the installation of a six or an eight foot privacy fence less than a foot from wall of the neighboring house at 1011 Savannah Street.

Mr. Ivy asked the Board if the shed was in compliance. Mr. Oswalt told Mr. Ivy that the Board would determine if the shed was in compliance with the Guidelines, thereby not impairment to the building or the district. Mr. Roberts informed the applicant that the Board is charged with upholding the Guidelines.

Mr. Bemis addressed the applicant and the Board saying that while the fence and shed met setback requirements, fire regulatory concerns under the jurisdiction of Urban Development might apply to this application. Mr. Karwinski told the Board and Staff that those regulations are in regard to habitable spaces.

Ms. Baker asked for clarification as to the height of the shed. Mr. Karwinski and Mr. Roberts discussed the grade and foundation of the shed. Mr. Roberts asked Mr. Ivy why he did not construct or move the shed to the backyard. Mr. Ivy reiterated that there was not any space in the rear of the property in which to place the shed. Mr. Karwinski again raised concerns regarding the placement of the fence. Mr. Oswalt asked if there was anyone from the audience who wished to speak for or against the application.

Ms. Glenda Snodgrass addressed the Board. She said that she lives at 1011 Savannah Street. Ms. Snodgrass reminded the Board of a letter she sent Staff copies of which could be found in their packets. She said she would sum up the letter, as well as address issues not raised therein. Ms. Snodgrass said that the proposed fence and shed posed a fire threat to her home. She informed the Board that on a previous occasion 1009 Savannah Street had caught fire, thus justifying her concern. Additionally, she pointed out that the fence would impede any maintenance to the eastern side of her house. She told the Board that since she was issued a façade easement to the Mobile Historic Development Commission, she was further obliged to maintain her property.

Mr. Roberts asked Ms. Snodgrass about the existing fence extending between her house and Mr. Ivy's. Ms. Snodgrass said that it impeded her access to her home's HVAC unit. Mr. Roberts asked Ms. Snodgrass if she would object to an altered application that called for a more detailed shed and a section of fencing with a gate that would connect, but would not extend alongside the two houses. A key could be provided for access. Ms. Snodgrass said that she still objected to the location of the shed. Mr. Roberts told Ms. Snodgrass that he was trying to reach a compromise. Mr. Ladd pointed out that the Board was trying to bring Project I into compliance. He said that setback requirements were beyond the Board's jurisdiction.

Mitch Adair from the audience spoke on behalf of Ms. Snodgrass. He said that he did not understand how the Board could approve unauthorized work. Mr. Lawler and Mr. Bemis explained the administrative and legal procedures behind after-the-fact-approvals.

Mr. Oswalt closed the period of public comment.

FINDING OF FACT

Mr. Karwinski moved that, based upon the evidence presented in the application and during the public testimony, the Board finds fact in the Staff report, amending the facts to allow the construction of the section of fence connecting the 1009 and 1011 Savannah Streets.

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Mr. Karwinski moved that, based upon the facts as amended by the Board, that the section of fence extending along the lot line between 1009 Savannah and 1011 Savannah Streets and the shed abutting

1009 Savannah Street do impair the historic integrity of the district and that a Certificate of Appropriateness only be issued for the above cited section of fence/gate. The remainder of the application was denied.

The motion received a second and was unanimously approved.

Certificate of Appropriateness Expiration Date: 8/4/11