

**ARCHITECTURAL REVIEW BOARD MINUTES**  
**December 5, 2012 – 3:00 P.M.**  
**Pre-Council Chambers, Mobile Government Plaza, 205 Government Street**

**A. CALL TO ORDER**

1. The Chair, Bradford Ladd, called the meeting to order at 3:00. Cart Blackwell, MHDC Staff, called the roll as follows:  
**Members Present:** Nick Holmes III, Thomas Karwinski, Bradford Ladd, Harris Oswalt, and Craig Roberts.  
**Members Absent:** Gertrude Baker, Carlos Gant, Kim Harden, Carolyn Hasser, Jim Wagoner, and Janetta Whitt-Mitchell.  
**Staff Members Present:** Devereaux Bemis, Cart Blackwell, and John Lawler.
2. Mr. Karwinski moved to approve the minutes of the November 20, 2012 meeting. The motion received a second and passed unanimously.
3. Mr. Karwinski 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: Brian Robertson with Robertson Construction**
  - a. Property Address: 51 Semmes Avenue
  - b. Date of Approval: 11/15/12
  - c. Project: Repair and replace deteriorated woodwork to match the existing in profile, dimension, and material. Repair and when necessary replace wooden windows to match the existing. Repaint the building per the submitted Sherwin Williams color scheme: the body will be Classic French Grey; the front door will be Chinese Red; and the trim will be white.
2. **Applicant: Chris Bowen**
  - a. Property Address: 1700 Dauphin Street
  - b. Date of Approval: 11/15/12
  - c. Project: Repair/replace rotten wood, repaint to match.
3. **Applicant: Wrico Signs for Advantage Staffing**
  - a. Property Address: 1500 Government Street
  - b. Date of Approval: 11/16/12
  - c. Project: Remove the existing signage from the store front unit. Install on the same location a sign with a total square footage of 37 square feet. The reverse channel illuminated (back lit) sign will feature an aluminum face and the design will be comprised of the name of the occupying tenant.
4. **Applicant: Andrew Brown**
  - a. Property Address: 257 Adam Street
  - b. Date of Approval: 11/19/12
  - c. Project: Pull down a rotten soffit on the exterior balcony of the East Elevation, leave bottom exposed as would have been done historically.
5. **Applicant: Signature Real Estate**
  - a. Property Address: 1111 Dauphin Street
  - b. Date of Approval: 11/20/12
  - c. Project: Install a temporary banner sign for a thirty day period.

**6. Applicant: Dennis Henson**

- a. Property Address: 315 Dexter Avenue
- b. Date of Approval: 11/20/12
- c. Project: Construct a modified version of the approved stock garage per the submitted plans. The garage will be located in the rear lot and not visible from the public view. The building will employ siding and brackets to match those on the main dwelling. The color scheme and roofing shingles will match those found on the main house.

**7. Applicant: McGill Toolen Catholic High School**

- a. Property Address: 11 North Lafayette Street
- b. Date of Approval: 11/21/12
- c. Project: Repaint per the existing color scheme. Repair the wall facings when and where necessary. Said work will also match the existing.

**8. Applicant: Roy and Debbie Isbell**

- a. Property Address: 910 Government Street
- b. Date of Approval: 11/26/12
- c. Project: Replace a wooden privacy to match the existing in height, location, and material.

**C. APPLICATIONS**

**1. 2012-66-CA: 201 North Conception Street**

- a. Applicant: Douglas B. Kearley with Douglas Burtu Kearley Architecture for Mr. John Schley Rutherford
- b. Project: Restoration and Renovation – the reinstallation of iron work (balcony balustrade and front lot fencing); the installation of recessed porch infill; the in kind repair and replacement of historic materials; the construction of a wall; and the alteration of fenestration.

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

**2. 2012-67-CA: 263 South Monterey Street**

- a. Applicant: Darrel Williams with Darrel J Williams and Associates for Tony Harvard
- b. Project: New Construction – Construct a rear addition.

**APPROVED. CERTIFIED RECORD ATTACHED.**

**3. 2012-68-CA: 219 Dauphin Street**

- a. Applicant: Ricky Armstrong with Modern Signs for Soul Kitchen
- b. Project: Signage – Install signage on and atop the building's marquee.

**APPROVED (OPTION #1). CERTIFIED RECORD ATTACHED.**

**4. 2012-69-CA: 410 South Ann Street**

- a. Applicant: Charles P. and Teresa E. Smith
- b. Project: Siding Replacement – Remove aluminum siding and install hardiboard siding.

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

**5. 2012-70-CA: 412 South Broad Street**

- a. Applicant: Douglas L. Anderson with Burr Foreman for Marvin Hewatt Enterprises
- b. Project: New Construction - Construct a gas station and convenience store.

**WITHDRAWN. CERTIFIED RECORD ATTACHED.**

**D. OTHER BUSINESS**

1. Midmonth Approvals

Mr. Bemis addressed a concern regarding one of the midmonth approvals included within the November 7, 2012 Agenda. The midmonth in question, # 10 in the aforementioned document involved the relocation of an existing chain link fence. The Board agreed that the relocation of existing chain link fences should not be approved on Staff level.

2. 355 Marine Street

Mr. Blackwell asked the Board to consider a resolution involving the Board's authorization of staff or midmonth level approval of a fire damaged residential building located within the Oakleigh Historic Garden District. He introduced the property which is located at 355 Marine Street to the Board. Showing pictures from the Staff files and then imagery of the damaged inflicted by the fires, Mr. Blackwell then spoke to the number of and circumstances surrounding a dozen fires that have occurred in the southern portion of the Oakleigh Garden District. Upon reviewing the photographs of the building and listening to the explications, the Board unanimously approved the resolution allowing Staff to issue midmonth approval. Further discussion as to number, concentration, and nature of the fires ensued.

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

**2012-66-CA: 201 North Conception Street**  
**Applicant: Douglas B. Kearley with Douglas Burtu Kearley Architecture for Mr. John Schley Rutherford**  
**Received: 11/14/12**  
**Meeting: 12/5/12**

**INTRODUCTION TO THE APPLICATION**

Historic District: DeTonti Square  
Classification: Contributing  
Zoning: R-1  
Project: Restoration and Renovation – the reinstallation of iron work (balcony balustrade and front lot fencing); the installation of recessed porch infill; the in kind repair and replacement of historic materials; the construction of a wall; and the alteration of fenestration.

**BUILDING HISTORY**

This two-story brick residence dates from 1857. The dwelling is one of Mobile’s finest extant side hall with wing houses. Comprised of the typical urban side hall, but one featuring recessed side and rear service wings, several hundred of this house type lined block after block of downtown Mobile. 201 North Conception Street was constructed for the St. John family. The house still features many of its original interior and exterior fittings.

**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. After serving as a law office for several decades, the property recently changed hands and the new owner/applicant is in the process of returning the house to residential use. The house’s exterior restoration and renovation includes the following: the reinstallation of iron work (balcony balustrade and front lot fencing); the installation of recessed porch infill; the in kind repair and replacement of historic materials; the construction of a wall; and the alteration of fenestration.
- 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. “Replacement of exterior finishes, when required, must match the original in profile, dimension and material. Particular care must be taken with masonry.”
  - 2. “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.”

3. “The size and placement of new windows for additions and alterations should be compatible with the general character of the building.”
4. “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, balusters, decking, posts/columns, proportions, and decorative details.”
5. “The form and shape of the porch and its roofs should maintain their historic appearance. The materials should blend with the style of the building.”
6. “Where rear or side porches are to be enclosed, one recommended method is to preserve the original configuration of columns, handrails, and other important architectural features.”
7. Fences and walls “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 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.”
8. “Often one of the most important decorative features of a house, doors reflect the age and style of a building. Original doors and door openings should be retained along with any moldings, transoms, or sidelights. Replacements should reflect the age and style of the building.”
9. “Blinds and shutters were integral functional components of historic buildings. Blinds and shutters should be sized to fit the reveal of window opening precisely. Operable units with appropriate hinges are encouraged.”
10. “Deteriorated features shall be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and where possible materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.”
11. “New additions, exterior alterations, or related new construction shall not destroy the historic materials that characterized the property. The new work shall be differentiated from the old shall but compatible with the size, scale, and architectural integrity of the property and its environment.”
12. “New additions and related adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”

**C. Scope of Work (per submitted plans):**

1. Reinstall a cast iron balustrade upon façade’s (East Elevation) unroofed upper gallery (See detail as submitted.)
  - a. The overall height of the railing will be 36”.
  - b. The geometric design will be comprised of elongated ovals with multi-foiled devices located therein.
2. Reinstall a cast iron fencing around the front portion of the lot.
  - a. The sections of fencing will match those documented as being located on the property in an early 20<sup>th</sup>-Century photograph found within the MHDC property file.
3. Remove a later brick and iron enclosure and construct an 8’ high stucco-faced wall (See plans).
  - a. The wall will enclose a rear service area.
4. Remove the West (Rear) Elevation’s later door and paneled surround.
  - a. Replace the aforementioned with a temporally and stylistically appropriate four paneled wooden door.

- b. Square-shaped sidelights and transoms will comprise the glazed sections of said door's wooden architrave/surround.
- 5. Enclose the rear porch with glazed recessed infill.
  - a. The aluminum storefront units will be black in color.
  - b. Said units will be recessed behind the upper and lower galleries porch posts and railings.
  - c. The individual bays of the storefront units will be spaced to align with the porch posts and with the midpoints between said posts.
- 6. Construct a flight of masonry steps accessing the service wing's first story gallery.
  - a. The south-facing steps will feature wooden railings.
  - b. The stair railings will match those found on the upper and lower rear galleries.
- 7. Repair and when necessary replace deteriorated features and finishes to match the existing in profile, dimension, and material.
  - a. Repair any deteriorated woodwork and detailing to match the existing in design, composition, dimension, and material.
  - b. Remove and re-expose currently plywood covered fenestration.
  - c. Repair and install operable wooden shutters to match the existing in profile, dimension, and material.
  - d. Repoint the brickwork using an appropriate mortar.
  - e. Repair and make operable all window sashes.
  - f. Repair existing iron grilles located within the building's watertable zone.
  - g. Repaint per the existing color scheme.
  - h. Remove and replace flashing about the chimney stacks.
  - i. Remove and relocate electrical/mechanical equipment from the building's West (rear Elevation). The mechanical equipment will be relocated to a less conspicuous location that will not harm the building's material fabric.
  - j. Repair and replace deteriorated square section posts and picket railings on rear gallery to match the existing.
- 8. Convert the North (a side) Elevation's easternmost first story window from a window to a door.
  - a. The entrance bay will feature a glazed and paneled multi light door.
  - b. A transom will surmount the door.
  - c. If possible, the marble window sill will be reemployed as the door's threshold.
  - d. A single flight of north-facing brick steps with an intervening stoop will allow for access to and from the door.
  - e. A concave umbrage featuring standing seam metal roofing and wooden brackets will extend over the stoop.
  - f. Iron railings will be employed on the stoop and steps.

## **STAFF ANALYSIS**

This application involves the restoration and renovation of an architecturally and historically significant residential building. The scope of work includes the following: the reinstallation of iron work (balcony balustrade and front lot fencing); the construction of a wall; the installation of recessed porch infill; the in kind repair and replacement of historic materials; and the alteration of fenestration.

The proposed reinstallation of ironwork consists of two parts. One portion of the ironwork reinstallation addresses the façade's upper story gallery and the second addresses the front and side lawns. Sometime during the middle third of the 20<sup>th</sup> Century, both the balustrade enclosing the façade's upper story gallery and the fencing enclosing the front and side lawns were removed. With regard to the gallery, the Design Review Guidelines for Mobile's Historic Districts state that historic porches should be maintained and repaired to reflect their period and that particular attention should be paid to handrails, lower rails, balusters, and the like. (See B-4) The Secretary of the Interior's Standards state that replacement of

missing features shall be substantiated by documentary, physical, or visual evidence (See B-10). Photographs of the building documenting a rail and indentures in the brick work record the presence of an earlier cast iron railing. The cast iron proposed railing is in keeping with the style and proportions of the building. With regard to the fencing, the Design Review Guidelines state that should complement the building and not detract from it. The cast iron fencing panels will match those documented in an early 20<sup>th</sup>-Century photograph of the property. Said fencing will meet the height requirements observed in the historic districts.

With regard to the proposed stucco-faced wall, the Design Review Guidelines state that the placement, design, and scale of fencing should be considered (See B-7.). Masonry walls of this sort commonly enclosed the rear lots and ran along the property lines of Mobile's more substantial mid 19<sup>th</sup>-Century residences (See HABS collection, [www.memory.loc.gov](http://www.memory.loc.gov)). The wall would surround what was a rear service court. The design of the wall is in keeping historic and more recently constructed examples found throughout the DeTonti Square Historic District. The scale of the 8' high wall is not out of keeping with proportions of the building and the streetscape. It should be noted that the height of solid fences in historic districts is generally restricted to six feet, but, if a commercial property or multi-family housing adjoins the subject property, an eight foot fence may be considered (See B-7). Commercial buildings and parking lots surround this property.

The Design Review Guidelines state that the form and shape of the porch should be maintained (See B-5.) and if rear or side porches are to be enclosed, one recommended method is to preserve the original configuration of columns, handrails, and other important architectural features (See B-6). The rear gallery has been altered over the course of the 20<sup>th</sup>-Century (flooring, fenestration, steps, and partitions were changed). In addition to the repair, replacement and reinstallation of railing and columns (all to match in kind), this application calls for the installation of aluminum storefront units behind the porch posts and railings. The placement of the storefront infill behind the architectural members will allow for the retention of and provide respect for spacing the historic fabric. Numerous interventions of this type have been approved by the Board and can be found in Church Street East and Detonti Square. The proposed new steps and railings are in keeping the historic character and materials of the house and would be located behind the stuccoed wall. With regard to the alterations affecting the later rear door, the Design Review Guidelines state that replacements should reflect the age and style of a building (See B-8). The proposed door and surround are more in keeping with the house's style and period.

All repair work, and when necessary replacement, of deteriorated and/or missing features (documented), will match the existing with regard to design, materials, and dimensions.

The window proposed for conversion to a door is located on the North Elevation. A side elevation, one facing the inner lot, the North Elevation features less fenestration than house's other fenestration and looks upon what was prior to a recent purchase a separate lot of record. The Secretary of the Interior's Standards for Historic Rehabilitation state that exterior alterations shall not destroy the materials that characterize a property and shall be compatible with the size, scale, and architectural integrity of the property (See B-11). Limited in scope, the conversion of the window to a door, though visible from the North Conception Street, would not alter the historic integrity of the building or the district. A marble sill would, if possible, be salvaged for use as a threshold. The door and transom configuration is keeping with style, period, and proportions of the building. The wooden brackets would be in keeping with the property, yet differentiated from existing treatments.

## **STAFF RECOMMENDATION**

Based on B (1-12), Staff does not believe this application will impair the architectural or the historical character of the building or the 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. Ladd welcomed the applicant's representative. He asked Mr. Kearley if he had any comments to make, questions to ask, or clarifications to address. Mr. Kearley provided the Board with a larger copy of the early 20<sup>th</sup>-Century photograph of the property which clearly shows the fencing and railing. He said that he had nothing else to add that was not covered in the Staff Report and presentation.

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

Addressing his fellow Board members, Mr. Ladd asked if anyone had any questions to ask the applicant's representative.

Mr. Karwinski said he had several comments to make. Speaking to Mr. Kearley, Mr. Karwinski stated that according to the Mobile's Historic District ordinance, original doors and windows should be preserved. He said that by converting a window to a door on the North Elevation the architectural and the historical character of the building would be affected. He also stated that while a door might be convenient, the main entrance was only a few feet away.

Mr. Kearley responded to Mr. Karwinski's comments by saying that the applicant had acquired both the the house and the adjoining vacant lot. He said that the steps, stoop, and door would allow for the use of that latter portion of the newly enlarged property. Mr. Kearley reminded the Board that the window in question is located on a side elevation.

Mr. Karwinski stated that he believed the conversion of the window into a door would impair the house's overall integrity.

Mr. Kearley cited two similar instances where side elevation fenestration had been altered, the Levert Office building on Government Street and Christ Church Cathedral on Saint Emanuel Street. These two buildings represent two of Mobile's most historically and architecturally significant buildings.

Mr. Karwinski stated that based on the Staff Report the property up for review constitutes a unique building and should be preserved as it now stands.

Mr. Karwinski turned the discussion to the proposed railing. He said that if a railing is to be reinstalled on the façade's second floor gallery the railing should match the original documented in the previously mentioned photograph.

Mr. Kearley addressed Mr. Karwinski concerns. He said that it was the applicant's initial intention to replicate the railing in an exacting manner but the molds had not been located. He added that the Ketchum House on Government Street, the residence of Archbishop Libscomb, features a railing of the same design as the one that once enclosed the subject property's second story gallery. Mr. Kearley told the Board that if the original design could be feasibly replicated the applicant was amenable, but the applicant would like to have the option to use the railing proposed in this application.



No further discussion ensued.

**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 note that applicant would have the option to install a railing matching the original railing.

Mr. Karwinski voted in opposition.

**DECISION ON THE APPLICATION**

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.

Mr. Karwinski voted in opposition.

**Certificate of Appropriateness Expiration Date: 12/5/13**

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

**2012-67-CA: 263 South Monterey Street**  
**Applicant: Darrel Williams with Darrel J. Williams & Associates for Tony Havard**  
**Received: 11/19/12**  
**Meeting: 12/5/12**

**INTRODUCTION TO THE APPLICATION**

Historic District: Leinkauf  
Classification: Contributing  
Zoning: R-1  
Project: New Construction – Construct a rear addition.

**BUILDING HISTORY**

This classically detailed American foursquare type house was constructed circa 1910.

**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 November 21, 1994. At that time, the Board approved the construction of a small single story addition off the East (rear) Elevation. With this application, the owners propose the construction a porch and a deck off of the earlier addition.
- B. The Secretary of the Interiors Standards for Historic Rehabilitation and the Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “New additions, exterior alterations, or related new construction shall not destroy the historic materials that characterized the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, and architectural integrity of the property and its environment.”
  - 2. “New additions and related adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”
- C. Scope of Work (per submitted plans):
  - 1. Construct a small one-story addition off an earlier Rear (East) Elevation.
    - a. The addition will take the form of a covered porch and deck.
    - b. The hipped roof of the earlier addition will extend over the porch. The roofing shingles will match the existing.
    - c. Measuring 12’ in depth and extending the length of the earlier rear addition, the proposed porch will rest atop brick foundation piers matching those employed on the body of the house. Boxed, framed, suspended, and recessed wooden lattice will

- extend between said foundation piers. The same foundation treatment will support the deck.
- d. Tongue-and-groove wooden porch decking will rest atop the addition's foundation level superstructure.
  - e. Four square section porch posts matching the façade's pilasters will support the porch's roof.
  - f. The entablature will match that found on the main dwelling.
  - g. The porch and the deck's wooden railing will match that found on the façade's upper story gallery.
  - h. The rear deck will be located to the north of and in plane with the porch.
  - i. A wooden trellis featuring decorative terminations will extend over the deck.
  - j. The wooden trellis will extend between the northern portion of the porch and the three square section posts located at the northern end of the deck. The deck posts will be of the same design as those on the front and rear (proposed) porches.
  - k. An east-facing flight of steps will allow for ingress to and egress from the porch and deck. Extending the length of the latter's Rear (East) Elevation, the steps will feature railings matching those employed elsewhere on the addition.

## **STAFF ANALYSIS**

This application involves the construction of a rear addition. The Secretary of the Interior's Standards for Historic Rehabilitation and the Design Review Guidelines for Mobile's Historic Districts state that the additions to historic buildings should be differentiated from yet, compatible with the size, scale, and architecture of the existing fabric (See B 1-2).

Not visible from the public view, the proposed single-story addition would be constructed off of and to the side of an earlier single story addition approved by the Board. Taking the form of a roofed porch and a pergola covered deck, the proposed addition meets both setback and site coverage restrictions. Differentiation is provided by continuing the single story massing established the earlier addition. The foundations, porch posts, balustrades, and entablature will match the existing thereby affording continuity of elements and details.

## **STAFF RECOMMENDATION**

Based on B (1-2), Staff does not believe this application will impair the architectural or the historical character of the building or the district. Staff recommends approval of this application.

## **PUBLIC TESTIMONY**

Darrel J. Williams was present to discuss the application.

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Ladd welcomed the applicant's representative. He asked Mr. Williams if he had any comments to make, questions to ask, or clarifications to address.

Mr. Williams answered no, but added that he was present to address any questions the Board might have.

Mr. Ladd asked his fellow Board members if they had any questions to ask the applicant's representative.

Mr. Karwinski told Mr. Williams that drawings of the proposed addition's side elevations should have been provided. Mr. Williams said that none had been executed. He said that from the plan one can easily deduce the appearance of the side elevations. Mr. Ladd concurred.

Mr. Holmes asked for clarification regarding the roof that would extend over the proposed porch. He asked Mr. Williams if the roof pitch would be continued. Mr. Williams answered yes. A discussion regarding the roof ensued.

Mr. Ladd asked Mr. Williams what had stood beyond the earlier addition previously. Mr. Williams explained that a deck once occupied that portion of the property. He stated that the deck had been removed prior to his involvement with the project on account of its deteriorated condition.

Mr. Bemis asked Mr. Williams for clarification as to how the pergola would engage the porch. Mr. Williams addressed Mr. Bemis' query. He stated that notations in the submitted plans specified how the porch would be constructed.

Mr. Ladd asked if any of his fellow Board members had any further questions. No discussion ensued.

Mr. Ladd asked if anyone from the audience wished to speak either for or against the application. Upon hearing no response, Mr. Ladd 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: 12/5/13**

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

**2012-68-CA: 219 Dauphin Street**  
**Applicant: Ricky Armstrong with Modern Signs for Soul Kitchen**  
**Received: 11/19/12**  
**Meeting: 12/5/12**

**INTRODUCTION TO THE APPLICATION**

Historic District: Lower Dauphin Commercial  
Classification: Contributing  
Zoning: B-4  
Project: Signage – Install signage on the building’s marquee.

**BUILDING HISTORY**

The façade of this building dates from 1935. Formerly Woolworth’s Five and Dime, the façade constitutes one of Mobile’s finest extant examples of a streamlined Moderne style.

**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 October 16, 2006. At that time, the Board denied a request to retain a wooden privacy fence that enclosed the rear portion of the commercial property. With this application, the occupying tenant proposes the installation of signage on the 1935 marquee.
- B. The Sign Design Review Guidelines for Mobile’s Historic Districts and Government Street state, in pertinent part:
  1. “Signs shall be mounted or placed so they do not obscure the architectural features or openings of a building.”
  2. “The overall design of all signage including the mounting framework shall relate to the design of the principal building on the property.”
  3. “The size of the sign shall be in proportion to the building and the neighboring structures and signs.”
  4. “The total maximum allowable sign area for all signs is one and one half square feet per linear front foot of the building, not to exceed 64 square feet.”
  5. “Internally lit signs are prohibited.”
  6. “Lighted signs shall use focused, low intensity illumination. Such lighting shall not shine into or create glare at pedestrian or vehicular traffic nor shall it shine into adjacent areas.”
  7. “The structural materials of the sign should match the historic materials of the building. Wood, metal, stucco, stone, or brick, are allowed. Plastic, vinyl or similar materials are prohibited. Neon, resin to give the appearance of wood, and fabric may be used as appropriate.”

**C. Scope of Work (per submitted site plans):**

1. Install a sign on the marquee's fascia.
  - a. The sign will measure 12' in width and 2' 6" in height.
  - b. The aluminum-faced sign will be bolted to the marquee.
  - c. The lettered signage will be centered in sign field illuminated by fluorescent bulbs.
  - d. The total square footage of the signage will be 31.6 square feet.
2. Install a sign atop the building's marquee.
  - a. The sign will measure 17' in width and 2' in height.
  - b. Said sign will be centered atop the aforementioned sign.
  - c. The aluminum sign (comprised on individual lettering without a background or sign field) will be screwed atop the marquee.
  - d. The lettered sign units will be illuminated by neon.
  - e. The total square footage of the sign will measure 34 square feet.

**STAFF ANALYSIS**

This application involves the installation of signage. Two signs are proposed for installation. One sign would be bolted to the fascia of the building's overhanging marquee and the second sign would be screwed atop the aforementioned marquee. Applications involving signage entail the review of the following: placement, design, installation, size, lighting, materials, and design

With regard to placement, the Sign Design Guidelines for Mobile's Historic Districts and Government Street state that "The overall design of all signage including the mounting framework shall relate to the design of the principal building on the property." Photographs show the Woolworth's marquee served historically as the signboard for the building and was integral to the overall design of the building. Staff believes that the current proposal compromises the original intent of the marquee and the lower signage actually damages its integrity.

The Sign Design Guidelines state that overall design of signage should relate to the design of the building (See B-2.). Staff recommends that the current application be redesigned to take advantage of the integral signboard designed for the building and submitted with a lighting package.

With regard to size, the Sign Design Guidelines state that size should be in proportion to building and neighboring sizes (See B-3.) The total maximum signage is one and one half square feet per linear front foot of the building, not to exceed 64 square feet (See B-4.). The combined square footage of the two signs exceeds the maximum allotment. Staff would not oppose excess signage if it were appropriately designed and remained in the original sign band.

**CLARIFICATIONS**

1. Will the lower sign be back lit?

**STAFF RECOMMENDATION**

Based on B-4 Staff, Staff believes this application will impair the architectural and the historical character of the building and the district and recommends the applicants utilize the traditional Woolworth's signboard.

**PUBLIC TESTIMONY**

Maggie Smith and Ricky Armstrong were present to discuss the application.

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Ladd welcomed the applicant and her representative. He asked Ms. Smith and Mr. Armstrong if they had any comments to make, clarifications to address, or questions to ask.

Mr. Armstrong first addressed the Board by saying that the sign size would not exceed sixty-four square feet. A discussion of the sign's dimensions ensued.

Mr. Roberts complimented the design.

Ms. Smith said that since she had become one of the owners of the Soul Kitchen, she had instigated efforts to improve the building's appearance. Citing several recent improvements, she said that the building does not currently possess a sign advertising the establishment. Ms. Smith said that she had conducted research as to how other music venues employ signage. She mentioned the Georgia Theatre in Athens and other music venues possess signage that benefits both the appearance and experience of historic districts. Mr. Armstrong distributed pictures of several similar projects.

Mr. Roberts asked Staff the rationale behind the Staff Recommendation.

Mr. Bemis responded to Mr. Roberts query by saying that the building's marquee is an original design element. He stated that marquee's sign band was intended as a location for signage. He suggested that the name of the music venue could be placed on the front of the marquee and that the names of current acts could be placed on the ends of the marquee, all of which could be located within the existing sign band.

Ms. Smith said that she had initially considered installing signage on the sign board, but that a tree located within the right of way obscures most of the sign band.

Mr. Roberts said that while he understood Staff's concerns, he considered the sign a reversible feature. He complimented the design of the sign and how it would be integrated with the building.

Mr. Ladd concurred saying that the design is in keeping with the use and period of the building.

Fred Rendfrey from the Downtown Mobile Alliance addressed the Board. He told the Board that the DMA is in support of the application. Mr. Rendfrey said that while the sign band might have been used by Woolworths, it was not conducive to the current occupant and that Woolworths would not be coming back. Stating that the proposal is both respectful and tasteful, he recommended approval of the sign.

Mr. Ladd asked Mr. Armstrong if he had any further comments to make or questions to ask. Mr. Armstrong answered yes. Referencing the Board's packets he asked the Board members to examine option #2 of the submitted materials. Citing Holiday Place/Inc. as an example of the type of signage proposed in that second option, Mr. Armstrong said that while the signage would employ LED lighting, it would appear as if it was neon. He explained that the LED would be limited to the striking of the lettering. He then reminded the Board of previous discussions and applications involving LED lights that approximate the appearance of neon.

Mr. Bemis asked if the facings of those portions of signage featuring the aforementioned lighting would be made of plastic. Mr. Armstrong answered yes. He again explained the restricted location of said lighting.

Mr. Bemis objected to the second option. He told the Board that in approving the sign, they would be violating the Sign Design Guidelines for Mobile's Historic Districts and Government Street which do not allow internally illuminated, plastic-faced signage. He told the Board that if they wanted to approve option #2 they should at least visit the example cited by the applicant's representative.

No further Board discussion ensued.

Mr. Ladd asked if there was anyone from the audience who wished to speak either for or against the application. Upon hearing no response, he 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 allow the use of option #1. Option #2 would be considered at the next meeting.

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.

**Certificate of Appropriateness Expiration Date: 12/5/13**



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

**2012-69-CA: 410 South Ann Street**  
**Applicant: Charles P. and Teresa E. Smith**  
**Received: 10/26/12**  
**Meeting: 12/5/12**

**INTRODUCTION TO THE APPLICATION**

Historic District: Leinkauf  
Classification: Non-Contributing  
Zoning: R-1  
Project: Siding Replacement – Remove the house’s aluminum siding and replace said siding with hardiboard siding.

**BUILDING HISTORY**

A “minimal traditional” residence dating from 1951 and small brick commercial building constructed during the 1940s are located on this property. Materials (salvaged brick), proportions (horizontal emphasis), details (quoins and other anchoring devices), and elements (the boxed bow window and lack of overhanging eaves) make the structure attributable to Mobile architect Thomas Cooper Van Antwerp.

**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 new/owner applicants propose the removal of aluminum siding from and the installation of hardiboard siding on the non-contributing residential building. Damaged asbestos siding exists under the aluminum siding.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “The exterior of a building helps define its style, quality and historic period. The original siding should be retained and repaired. Replacement exterior finishes, when required, must match the original in profile, dimension and material.
  - 2. “Some historic districts have buildings from the recent past, e.g. the 1930’s, 1940’s and 1950’s. Some materials such as asbestos shingle siding are appropriate providing that is the original building material.”
- C. Scope of Work:
  - 1. Remove aluminum siding.
  - 2. Install hardiboard siding.

## **STAFF ANALYSIS**

This property is a non-contributing property located in the Leinkauf Historic District. The application involves the removal of aluminum siding from and the installation of hardiboard siding on the residential building. The aluminum siding is neither an original nor a historic feature. The Design Review Guidelines for Mobile's Historic Districts state that replacement of exterior features must match the original in profile, dimension, and material (See B-1). The exterior of this house was originally faced with asbestos shingles. The manner in which the aluminum siding was installed damaged the asbestos shingles. The proposed hardiboard siding is characteristic of wood siding of the period. Ordinarily staff would oppose the wholesale replacement of original siding, but considering the damage and the desire to blend with the neighborhood, staff believes this should be an exception to the guidelines.

## **STAFF RECOMMENDATION**

On account of the non-conforming nature of the existing siding and the deterioration of the early asbestos siding, Staff does not believe the installation of hardiboard siding on the non-contributing building would impair the architectural or the historical character of the surrounding district. Staff recommends approval of this application.

## **PUBLIC TESTIMONY**

Charles P. Smith was present to discuss the application

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Ladd welcomed the applicant. He asked Mr. Smith if he had any comments to make, questions to ask, or clarifications to address.

Mr. Smith thanked the Board for hearing the application. He explained to the Board that he and his wife are from Pascagoula and that they are looking forward to moving into Mobile's historic districts. He said that they did not want to do anything to alter the appearance of the house. Mr. Smith distributed a piece of the proposed siding.

Mr. Roberts instigated a discussion of siding profiles. Mr. Karwinski and Mr. Holmes entered into the discussion.

Mr. Oswald asked for clarification as to the composition of the existing siding. Mr. Smith told the Board that existing siding is vinyl. Mr. Oswald noted that the scope of work would have to be amended.

Mr. Karwinski asked for clarification regarding the composition of the proposed siding. Citing the application which specified masonite and the Staff Report, which listed hardiboard, he asked Staff for an explanation. Mr. Blackwell said that hardiboard would be employed.

Mr. Ladd asked if there was anyone from the audience who wished to speak either for or against the application. Upon hearing no response, he 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 note that the existing siding is vinyl in composition and not aluminum as listed in the Staff Report.

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: 12/5/13**

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

**2012-70-CA: 412 South Broad Street**

**Applicant: Douglas L. Anderson for Marvin Hewatt Enterprises**

**Received: 7/31/12**

**Meeting: 9/5/12**

**INTRODUCTION TO THE APPLICATION**

Historic District: Oakleigh Garden  
Classification: Non-Contributing (vacant formerly residential lots)  
Zoning: B-2  
Project: New Construction - Construct a gas station and convenience store.

**BUILDING HISTORY**

This vacant property is located on South Broad between Elmira and Selma streets. Though a single lot of record now, historically, there were six, nineteenth-century, residences located at this site. The residential buildings were demolished for a proposed grocery store that was ultimately never constructed.

**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**

The Applicants propose developing the property located at 412 South Broad Street into a single tenant gas station.

The applicants first appeared before the Board on May 20, 2009 with a proposal for a multi-tenant gas station with a canopy and four pumps. That first application was tabled and sent to a Design Review Committee. A public meeting was held on May 26, 2010. A Design Review Committee convened on June 3, 2009. Following the design review committee meeting, the applicants presented an altered application on October 21, 2009. The Board denied the second application. The applicants appealed the Board’s ruling. On January 26, 2010, Council City upheld the Board’s ruling. Another revised application reappeared before the Board on October 6, 2010. That third application was withdrawn prior to review. In this application, the applicant’s representative returns to the Board with a fourth submission calling for the lot’s redevelopment as a gas station/convenience store. This fourth application was first submitted on July 21, 2012. Staff has been working with the applicant’s representative and other City Departments in obtaining the corrected site conditions required for multiple municipal review processes.

A. The Mobile Historic District Guidelines for New Commercial Construction state, in pertinent part:

1. **“Placement and Orientation:** Placement has two components: setback, the distance between the street and a building; and spacing, the distance between its property lines and adjacent structures. New construction should be placed on the lot so that setback and spacing approximate those of nearby historic buildings. New buildings should not be placed too far forward or behind the traditional “facade line”, a visual line created by the fronts of buildings along a street. An inappropriate setback disrupts the facade line and diminishes the visual character of the streetscape. Current setback requirements of the City of Mobile Zoning Ordinance may not allow the building to be placed as close to the street as the majority of existing buildings. If the traditional facade line or “average” setback is considerably less than allowed under the Zoning Ordinance, the Review Boards will support an application for a Variance from the Board of Adjustment to allow for new construction closer to the street and more in character with the surrounding historic buildings.
2. **MASS:** Building mass is established by the arrangement and proportion of its basic geometric components - the main building, wings and porches, the roof and the foundation. Similarity of massing helps create a rhythm along a street, which is one of the appealing aspects of historic districts. Therefore, new construction should reference the massing of forms of nearby historic buildings.
  - a. **FOUNDATIONS:** The foundation, the platform upon which a building rests, is a massing component of a building. Since diminished foundation proportions have a negative effect on massing and visual character, new buildings should have foundations similar in height to those of nearby historic buildings.
  - b. **MAIN BODY AND WINGS:** Although roofs and foundations reinforce massing, the main body and wings are the most significant components. A building’s form or shape can be simple (a box) or complex (a combination of many boxes or projections and indentations). The main body of a building may be one or two stories. Interior floor and ceiling heights are reflected on the exterior of a building and should be compatible with nearby historic buildings.
  - c. **ROOFS:** A building’s roof contributes significantly to its massing and to the character of the surrounding area. New construction may consider, where appropriate, roof shapes, pitches and complexity similar to or compatible with those of adjacent historic buildings.
3. **SCALE:** The size of a building is determined by its dimensions - height, width, and depth - which also dictate the building’s square footage. Scale refers to a building’s size in relationship to other buildings - large, medium, and small. Buildings which are similar in massing may be very different in scale. To preserve the continuity of a historic district, new construction should be in scale with nearby historic buildings.
4. **FAÇADE ELEMENTS:** Facade elements such as porches, entrances, and windows make up the “face” or facade of a building. New construction should reflect the use of facade elements of nearby historic buildings. The number and proportion of openings - windows and entrances - within the facade of a building creates a solid-to-void ratio (wall-to-opening). New buildings should use windows and entrances that approximate the placement and solid-to-void ratio of nearby historic buildings. In addition, designs

for new construction should incorporate the traditional use of window casements and door surrounds. Where a side elevation is clearly visible from the street, proportion and placement of their elements will have an impact upon the visual character of the neighborhood and must be addressed in the design.

5. **MATERIALS AND ORNAMENTATION:** The goal of new construction should be to blend into the historic district but to avoid creating a false sense of history by merely copying historic examples. The choice of materials and ornamentation for new construction is a good way for a new building to exert its own identity. By using historic examples as a point of departure, it is possible for new construction to use new materials and ornamentation and still fit into the historic district. Historic buildings feature the use of a variety of materials for roofs, foundations, wall cladding and architectural details. In new buildings, exterior materials – both traditional and modern - should closely resemble surrounding historic examples.

B. Scope of Work (per submitted plan):

**1. Overall Site Work:**

- a. Clear all top soil and vegetation from the property.
- b. Install concrete entrances and asphalt parking areas.
- c. Install a curbcut/driveway onto South Broad Street that will be 36' width.
- d. Install one curbcut/driveway on Elmira Street that will be 24' in width.

**2. Construct a single story brick veneered and precast stone trimmed commercial structure (per submitted plans):**

- a. The building will be located in the southeast corner of the lot.
- b. The building will be oriented so that the entrance faces north.
- c. Asphalt paving will extend to the west and north of the building
- d. The building will measure 51' 8" (East/West) by 74' 4" (North/South) in plan.
- e. The building will rest atop a raised concrete slab.
- f. A 6' wide sidewalk will extend around the building.
- g. The building will be situated 9' from the Broad Street right of way.
- h. The building will be situated 10' from the Elmira Street right of way.
- i. A landscape buffer will extend to the north and south of the hardsurfaced portions of the lot.
- j. 3' foot and 6' high sections of wooden fencing will extend along the northern and western sides of the property.
- k. A 6' tall wooden fence featuring double outward swinging gates will enclose the dumpster. Said 10' x 10' enclosure will be located within the northern section of the landscaped buffer.

**3. Building Details**

**a. Materials**

- 1) The walls will be faced with a two-color brick veneer.
- 2) The dados, wall fields, and parapets will be faced with a medium brown colored brick.
- 3) The belt, rowlock, and soldier courses will be faced with a light gray colored brick.

- 4) The fenestration will take the form of aluminum storefront units aged bronze in color.
  - 5) Metal roofing will be employed. The roofing sheets will be blue in color.
- b. East Elevation (Facade):**
- 1) The East Elevation will feature a three part composition.
  - 2) The central section of the South Elevation will feature an aluminum storefront system containing an asymmetrically placed double door.
  - 3) Four pilaster-like strips will demarcate the divisions of the façade.
  - 4) A canopy featuring blue colored, batten seamed metal roofing will extend from the central portion of the South Elevation.
  - 5) A 20' high parapet will extend the length of the central portion of the South Elevation.
  - 6) The North Elevation's two flanking side pavilions will feature single aluminum storefront window units. Canopies of the same material and design as the one extending from the central portion of the façade will extend over the aforementioned windows.
- c. East and West Elevations (facing Broad Street and inner side of the block):**
- 1) The East and West Elevations will feature two pilaster bound bays.
  - 2) No fenestration will be employed.
  - 3) The rowlocks will form rectangular-shaped, horizontally oriented fields within the larger bay units.
- d. South Elevation (facing Elmira Street)**
- 1) The East Elevation will feature a three part composition.
  - 2) Four pilaster-like strips will demarcate the divisions of the façade.
  - 3) The central section of the South Elevation will feature an asymmetrically located metal door.
  - 4) A metal canopy matching those found on the North Elevation's end bays will extend over the door.
  - 5) The end bays will not feature fenestration.
  - 6) Four scuppers and downspouts will be affixed to the wall.
- 4. Construct a covered gas station canopy:**
- a. The canopy will measure 114' by 24' in plan.
  - b. The ceiling clearance will be 16'-6";
  - c. The canopy will be located approximately 10' from the Broad Street right of way. The canopy's roof will be located closer to the right of way.
  - d. The canopy will feature eight brick piers and bracketed eaves attached to painted EIFS facings.
  - e. A blue colored batten seam metal roof will surmount the canopy's hipped roof.
- 5. Install/Construct signage:**
- a. Install an LED illuminated, lettered wall sign on the building's North Elevation.
  - b. The wall sign will measure 19' 10 ¾" in width by 2' in height.
  - c. The total square footage of the wall sign will be 39.8'.

- d. Construct a monument sign.
- e. The overall height of the monument structure will be 6'. A 2'4" tall brick base will support a 3'6" high x 7' wide sign.
- f. The total square footage of the double-faced monument sign will be 50.4'.
- g. The monument sign will be illuminated by reverse channel LED lighting.

**6. Clarifications / Requests:**

- a. Site Work:
  - 1. Consult Urban Forestry with regard to possible tree removal.
  - 2. Is there a placement of stormwater detention?
- b. Main Building
  - 1. Will the building be located atop a berm?
  - 2. Provide an illustration depicting the grading of the proposed convenience structure.
  - 3. Where will the convenience store's utility units be located?
- c. Canopy
  - 1. What is the total height of canopy?
  - 2. Provide an illustration revealing scale of canopy in relation to building.

**STAFF ANALYSIS**

The site proposed for redevelopment comprises almost half of an entire city block. Until the 1970s, six nineteenth century homes occupied the site. Four houses faced Broad Street and two others faced Elmira Street. The houses were demolished for an intended, but never constructed grocery store. The lots have persisted as vacant, green space. The parcels were placed into a single lot of record by the applicants at the July 16, 2009 City Planning Commission meeting. The final subdivision plat was recorded October 8, 2009.

The parcel is zoned B-2. Although the land was never used for commercial purposes, the zoning failed to revert to residential when the grocery store was not built. The remainder of the block continues to be zoned and used for single and multifamily residences; homes abut the property to the north and west (fronting Selma and Marine Streets). Across Broad Street, a historic church and commercial property face the site from the east. Across Elmira, a historic commercial property is adjacent to the parcel.

Under the MHDC Ordinance, any new construction within a historic district requires a certificate of appropriateness from the Architectural Review Board. The test for new construction in a historic district is whether or not the new construction impairs the character of the historic district.<sup>1</sup> The Board determines the appropriateness of the proposed new construction by evaluating several factors in relationship to the features of nearby historic properties. These factors include site placement and orientation, mass, scale, façade elements, materials and design details in relation to nearby historic districts. The guidelines for each factor can be found above

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<sup>1</sup> See Section 9(a)(2): "**Standard of Review. (a) Required Findings for Approval.** The Board shall not approve any application proposing a Material Change in Appearance unless it finds that the proposed change. . . (2) In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, materially impair the architectural or historical value of the buildings on adjacent sites or in the immediate vicinity and that such building will not be injurious to the general visual character of the Historic District in which it is to be located."



in Section A of the Staff Report. In addition to the design considerations, the Board shall consider any other pertinent factors.<sup>2</sup>

### **Factor One: Placement and Orientation**

The Mobile Historic District Guidelines for New Commercial Construction state that placement has two components: setback and spacing. Setback is defined as the distance between the building and the street. Spacing is defined as the distance between a building and its property line and neighboring construction. The current submission differs most from previous applications with regard to placement and orientation. The design of the building as submitted on October 6, 2010 and the canopy throughout the application process have remained essentially the same. The building would be located in the Southeast corner of the property.

Comparing the proposed site plan to that of nearby historic properties is a key element in determining whether or not the new construction is appropriate for the district. Along South Broad Street, there is a mixture of residential and commercial structures. All of the contributing commercial structures and many of the non-contributing infill are located on or close to the right of way. For instance, the commercial property located at 312 South Broad Street (northwest corner of Savannah Street ) is located on the lot line. The North Elevation of 450 South Broad Street (just South of the subject property) is similarly located on the lot line. Directly across the street, there are two commercial structures which are situated within one foot of the sidewalk. Further north along South Broad, at the corners of both Charleston and Savannah, two commercial structures abut the sidewalk. The close proximity of the commercial structure to the street and sidewalk is a characteristic of the historic landscape. In order not to impair the historic district, new construction should be sited to match the pattern established by the existing buildings.

Likewise, new commercial buildings along Broad Street should be oriented towards Broad Street. No commercial structures front Elmira Street. All commercial structures located on Broad Street face Broad Street.

Unlike the three preceding applications, the proposed development for review does take into the traditional “façade line.” While the proposed development does adhere to patterns established by existing historic buildings, the setbacks (of 9’ and 10’ reference historic residential), not historic commercial setbacks. Additionally, the proposed setbacks differ from those recorded on the approved plat and would therefore require a variance and by consequence address issues relating to the re-subdivision.

In order to position the structure closer to the Broad Street right of way, the application for review calls for the building to be located in the southeast portion of the lot. Though positioned in proximity to the intersection of Broad and Elmira Streets, the building is oriented so that the entrance and front façade of the building face the interior of the lot north toward

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<sup>2</sup> See Section 9(b): “**Factors to be Considered.** In making its findings, the Board shall consider, **in addition to any other pertinent factors**, the structure’s historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of the other structures in the immediate neighborhood.”

Selma Street. While placed closer to the intersection of South Broad and Elmira Streets, the building mass is not experienced on account of the façade's orientation.

A wide expanse of paving, a proposed gas pump canopy, and a vacant lot extend to the North of the actual entrance which does not engage a street. The principle entrances to other commercial structures on Broad Street face Broad Street. The orientation of the building towards the interior of the lot is not appropriate for the district.

### **Factor Two: Mass and Scale**

The Mobile Historic District Guidelines for New Commercial Construction state that mass is established by the arrangement and proportion of a building's basic geometric components. Similarity of mass helps to establish a rhythm along a street, which is one the appealing aspects of historic districts. Scale refers to a building's relationship to other buildings.

The current submission, like the October 6, 2010 one, differs from earlier submissions in one principle respect: the size of the building. The applicants reduced the building from a triple unit commercial space to a single unit space. Containing approximately 3500 square feet (interior), the building is 51' wide on the Broad Street and extends 72' 4' along Elmira Street. The front of the building is oriented to the interior of the lot toward Selma Street.

In abandoning the multi-tenant arrangement for a single commercial unit, the mass and scale of the new building are more appropriate to the district. Staff does not find the proposed reduction in square feet to be a compelling alteration to the overall concept.

Certain mass-related concerns remain. The parapet surmounting the façade is 20' high. In the previous application the height parapet height was 28' and then 26'. While the height has been reduced, the parapet would continue to loom in isolation over the structure for it is only located on the North Elevation. Since this building is exposed on all four sides, the parapet treatment is not effective and creates a "stage set" appearance. While historic examples often feature a single dominant parapet, those parapets engage the principle street. Staff does not find this design appropriate to a historic district. Staff also requires clarification of the location of any utility units. If located atop the building, they would be exposed for view.

The overall height of the canopy is not indicated on the plans. This information needs to be provided. Though the applicants have reduced the size of the gas station, the canopy has remained almost unchanged since the first submission. Staff does not find the number of gas pumps and the overall size of the canopy appropriate to the historic district.

As with other nearby commercial structures, the proposal indicates that the building will be located at grade and atop the concrete slab. Staff believes the Board should review drawings which specifically illustrate the building's proposed height above grade, including any curb heights and finished floor heights. This request has been made previously. Again it is unclear from the drawings how much in fill soil work, if any, will take place or whether there will be a curb from the parking lot to the store, etc. Modern day convenience stores are generally located on a raised, albeit paved, mound. This treatment would not be appropriate for a historic district.

The drawings provided do not provide enough information to determine how the applicants intend to address the foundation work.

As with the previous submissions, the amount of pavement surrounding the convenience store remains problematic. As drawn, there will be approximately 19,152 square feet of pavement between the building and the corner of South Broad and Elmira streets. Marked and unmarked parking, the gas canopy and the four double-sided pumping stations will be located within this space.

Previously, Staff recommended reducing the amount of pavement by 1) removing parking spaces and 2) reducing the number of gas pumps. The applicants responded to that request in this proposal by removing the stripes designating parking spaces; the pavement, however, remains. The Board generally requires internal planting to break up large amounts of paving.

A typical residential lot in this neighborhood is 5,000 square feet; thus, the applicants propose paving an area equal to almost four residential lots. As such, the amount of pavement required for the size of this gas station remains too intrusive for this neighborhood and seems better-suited for a suburban thoroughfare than for this historic district.

The width of the South Broad Street curbcut represents a point of concern with both Traffic Engineering and Right of Way. Both City Departments consider the curbcut too wide. The Traffic Engineering, Right of Way, and Planning offices questioned the manner in which the gas distributing trucks would enter and leave the property. Staff is also concerned about how the placement of the drive and the gas canopy would impact three heritage trees. One of those trees is located in the right of way. A representative from Urban Forestry visited the site to inspect the site. At that time, an earlier version of the proposed site plan was submitted (one replaced by the proposed on account of incorrect rights of way). That earlier placement of the drive impacted both the nutrient absorbing and structural anchoring root systems.

**Other factors considered by the Board include: 1) the overall design of the structure; 2) the choice of materials and 3) ornamentation.**

The applicants propose a brick veneered masonry building featuring two colors of brick and a metal-roofed canopy. Given the number of masonry commercial structures along South Broad Street, the choice of materials is appropriate for this historic district. Staff recommends the windows should be raised at least one course brick above the stringcourse, in order to create a proper lintel and a break between the windows and the string course which substitutes in appearance for a water table. Colored metal roofs are not approved in historic districts. The proposed blue-colored metal seam roofing should be substituted with a color more in keeping with historic character of the district; galvanized, brown or bronzed or black metal should be used. All of the preceding recommendations were made in the October 6, 2011 Staff Report.

With regard to the proposed signage, the total square footage proposed for the property exceeds the 64' square foot allotment assigned by the Office of Urban Development. A variance from the Board of Zoning Adjustment would be required to install the signage. The proposed

wall sign would employ LED internal illumination. Only reverse channel or backlit signs is authorized for use in Mobile's Historic Districts. The height of the proposed monument sign exceeds the five foot height limit established by previous Board rulings. Internally lit plastic faced signs are not allowed in the district.

**The MHDC Ordinance allows the Board to consider “other pertinent factors” when evaluating whether proposed new construction will potentially impair a historic district.** Three pertinent factors should be considered: 1) whether the proposed development is compatible with the recommendations for the South Broad Street corridor contained in the New Plan; 2) whether the proposed development is compatible with the Bring Back Broad Initiative; and 3) the impact the proposed development will have concerning ongoing neighborhood revitalization efforts, supported by public funds, within the immediate vicinity.

Recently, the City of Mobile commissioned the “New Plan for Mobile.” The Broad Street corridor was specifically addressed:

“The Broad Street streetscape improvements that were implemented in 2009 from Canal Street to Virginia Street have also helped to bring a renewed and greater focus to the north end revitalization of the street. However, to sustain its commercial role in the community, there is more work to be done in terms of marketing, architectural improvements, infill development and business retention and recruitment to sustain its commercial role in the community. Local property owners and business people attending the public meetings indicated a need for community leadership, financial assistance, marketing assistance and new private investment to strengthen and sustain the future role of the Broad Street-Washington Street Corridor for neighborhood-serving commercial and mixed-use centers. Outlined below are specific recommendations identified for the corridor to be undertaken in this initiative:

- Façade improvements for existing buildings including signage, canopies, building materials, etc.
- Encourage new commercial/mixed-use infill development on vacant or underutilized parcels fronting on Broad Street between Virginia and Texas Streets.
- Creating Guidelines for Commercial Development

As a result of the public participation process, there is renewed interest in improving both ends of the Broad Street Corridor by local property owners and business people, many of whom have been long-standing merchants and/or residents of the area. *Keeping this enthusiasm elevated will be a critical component of the corridor's future sustainability and success*” (emphasis added).

The proposed development, because it is situated north of Texas Street, does not meet the New Plan's objectives: 1) it is located in an area designated residential by the New Plan and it is not a mixed use development.

The Broad Street streetscape improvements referenced in the New Plan are part of the ongoing Bring Back Broad Initiative. This project was initiated eight years ago, with the idea of revitalizing and restoring Broad Street from the chronic decay it has undergone in the last forty years. The ultimate goal is to provide a revitalized Broad Street that will stretch from Brookley Field to the old GM&O terminal. The public improvements are intended to act as a catalyst for bringing back the residential character of Broad south of Government Street and making the commercial portion north of Government Street an attractive commercial space and a gateway to downtown Mobile. The recent pocket park at the intersection of Broad and Spring Hill Avenue is envisioned as an anchor in the overall redevelopment of Broad Street. Senator Shelby obtained a grant amounting to almost \$2 million for the first phase of the Bring Back Broad project. The City is presently seeking further federal funding for this project. The expansion of Airbus makes the appearance and character of Broad Street all the more paramount.

The overall goal of the Bring Back Broad Initiative is to create a mixed-use, pedestrian friendly, traditional neighborhood corridor. The scale of the proposed development, as discussed above, is not in harmony with these goals. Also, from the site plan presented, it is unclear how the proposed curb cut on Broad Street aligns with the new median on Broad and/or if there will be any impact to the median.

In addition to the Bring Back Broad Initiative, the City has sought and received federal funding to enhance housing opportunities within the immediate vicinity of the proposed development. The Oakleigh Venture Revolving Fund (“OVRF”), over the course of the last eight years, has purchased and restored or constructed approximately 25 houses nearby the Broad Street corridor. The total enhanced value of these properties exceeds \$5 million. Many of the structures were uninhabitable, lacking water and power. One of OVRF target areas is the block of Selma just west of Broad Street. Likewise, another City operated revolving fund has purchased five parcels three blocks away from the proposed development at Chatham and Elmira streets. The City recently received \$600,000 in federal funds to be used on neighborhood revitalization efforts in this particular neighborhood.

The current application threatens to defeat these neighborhood revitalization efforts. Realistically, a gasoline station/convenience store on Broad between Selma and Elmira will deter any further renovations in this block. Furthermore, the development negatively impacts the quality of life of the current residents and may deter potential residents.

## **STAFF RECOMMENDATION**

As the preceding Staff Analysis demonstrates, the applicants have failed to develop a comprehensive plan which meets the standards established by the Design Review Guidelines for New Construction in Mobile’s Historic Districts. Staff believes that the design concept, as initially conceived and currently proposed, impairs the architectural and the historical character of the historic district. The design is more in keeping with suburban thoroughfare such as Airport Boulevard than a street in a National Register Historic District. Staff does not recommend approval of the application. Staff does not believe modifications to this plan will result in an approvable project, but that a complete redesign is necessary.

## **PUBLIC TESTIMONY**

Douglas L. Anderson was present to discuss the application.

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Ladd welcomed the applicant's representative. He asked Mr. Anderson if he had any comments to make, clarifications to address, or questions to ask.

Mr. Anderson thanked Mr. Ladd. He first addressed the Board by reminding them of the previous applications and meetings during which this property had appeared before them. He said that since the last meeting that he, as the applicant's representative, had spoken with Mr. Bemis of the Mobile Historic Development Commission, William Carroll the City Council, and representatives of the Oakleigh Garden District regarding the redevelopment of this property. Mr. Anderson stated that while all these individuals and groups had imparted design-related ideas and suggestions, their input was not always in concert.

Mr. Anderson gave a summation of the previous proposals and pointed out that the building would not in fact be located 9' from the Elmira Street right of way as stated in the Staff Report, but 19' from said right of way. Turning to Staff, Mr. Anderson said that he understood the reason for the discrepancy saying that the #1 was located within the line of another marking. He said that if the Board was amenable, the building could be moved 10' closer to the Elmira Street right of way.

Mr. Anderson explained to the Board that he did not want them to make a ruling on the application but to provide input for a revised plan so if the application should ever appear before the City Council again the design would be one based on the Board's recommendations.

Mr. Anderson then addressed the points of concern raised in the Staff Report. First, he said the parapet could be removed.

Mr. Roberts then interjected by telling the applicant that the parapet wall, while an issue, was not a major one in the overall design. He told Mr. Anderson that as the Staff Report makes clear the building ignores the street. Mr. Roberts said that additional fenestration was of more importance than the removal of a parapet. Mr. Anderson provided the Board an alternative scheme for the South or Broad Street Elevation, one in which half of wall space was glazed. Mr. Roberts acknowledged that the alternative did improve the appearance of the elevation but did it not fully address some inherent problems that flawed the larger design. He said for instance that the height of the canopy should not exceed the height of the building. Mr. Anderson said that while he understood that concern, the height of the canopy was to a large extent determined by the heights of the servicing vehicles. Mr. Roberts asked Mr. Anderson for clarification of the overall height of the canopy. Mr. Anderson said that from the pavement to the bottom of the fascia, the height was 16'. As to the overall height from the pavement to the top of the roof, he was unsure. He said he could obtain that measurement. Mr. Roberts raised another concern, the effect the development would have on the property's heritage trees. Mr. Anderson told Mr. Roberts that if he could continue he would address that concern and others outlined in the Staff Report.

Mr. Anderson returned the discussion to the design of the building, starting with the fenestration. Telling the Board of his involvement with the CVS Pharmacy located at the northwest corner of McGregor Avenue and Old Shell Road. He said the design and detailing, including fenestration, of that building could be employed in the design of this development. Addressing the roof treatment, he said the canopies could be done in black or gray. More fenestration could be added to West Elevation in addition to the East Elevation.

A discussion of roofing alternatives ensued. Terracotta tiles were mentioned as a possible solution, as were faux tiles. Mr. Blackwell reminded the Board and the applicant of an earlier application that called for a tiled roof. It was concluded that the application in question was denied for the overall Mission appearance.

Mr. Anderson then addressed concerns over the heritage trees. He told the Board that he would work with the relevant City Departments regarding any regulated plantings. Speaking of landscaping in general, Mr. Anderson also stated that interior plantings could be employed.

Mr. Anderson said that to the best of his knowledge he had covered the highpoints of the concerns outlined in the Staff Report and that he was here to answer questions and receive feedback.

Mr. Karwinski stated that the Architectural Review Board does not consider matters such as use. With regard to the design, Mr. Karwinski said that he agreed with the Staff Report and stood by previous Board comments and earlier Staff recommendations regarding the proposal. He said that the main problem with the proposal, as with all previous proposals, is that a rubberstamp plan with gussied up elevations is being placed without consideration to the historical context on a lot located within a historic district.

Mr. Roberts agreed with Mr. Karwinski. He stated that the proposed building was nothing more than a one-story box.

Mr. Karwinski continued by saying that good design integrates a building's interior volumes with its exterior massing and treatment. He reiterated that the stock floor plan constitutes a major problem. He told Mr. Anderson that a new architect might be required for this design and all previous designs were not appropriate for implementation on the site, for the streetscape or in the historic district.

Mr. Anderson said that it was his understanding that the Board's jurisdiction does not extend to the interior of buildings.

Mr. Ladd explained to Mr. Anderson that Mr. Karwinski's comments were not addressing the interior per se, but how the interior affected the exterior. Mr. Bemis agreed. Mentioning how the convenience store's freezers lined the East Elevation and therefore prevented fenestration.

Mr. Anderson said that he understood the rationale behind Mr. Karwinski's comments. That said, Mr. Anderson stated that the building's orientation was in many ways determined by safety related concerns. He mentioned how the CVS Pharmacy located at Government and Broad Streets was initially proposed to be closer to intersection, but was pushed further into that property on account of safety related concerns. Mr. Karwinski said that he had developed a plan which he had in sketch form during his free time and that the plan would solve many problems.

Mr. Ladd asked if there was anyone from the audience who wished to speak either for or against the application.

Jaime Betbeze addressed the Board. He told the Board and the applicant's representative that he and his family live on Selma Street and are members of the Oakleigh Garden District Society. Mr. Betbeze stated that he was present as both a homeowner and representative of the aforementioned neighborhood organization. First, Mr. Betbeze thanked the Staff and commended the Staff Report. He then thanked Mr. Anderson for his efforts but went on to state that as this application marks the property's fourth appearance before the Board, it shows that the proposed redevelopment is likable to fitting a square peg in a round hole. Mr. Betbeze commended the Board for their willingness to provide insight, but he said that he and others believed that the project would impair the district regardless of its form. Mr. Betbeze said

the design and the development would adversely impact the neighborhood appearance and experience of the Oakleigh Garden District. Mentioning both private and public investment, he stated that the design and placement of the building negated both types of investment. Referencing Mr. Robert's and Mr. Karwinski's observations, he said that a big box was not appropriate for a National Register Historic District. Citing Cotton Capers, a business establishment located at the northwest corner of Dauphin and Ann Streets as a historically appropriate example of how placement and orientation could benefit new construction on the site. He said that the proposed development did not follow proven historical precedent.

Mr. Roberts told Mr. Betbeze that while he agreed with all he had said that a gas station is what the applicant is proposing and since the property is zoned for that use the Board has no jurisdiction over the use.

Mr. Ladd reiterated that the Architectural Review Board does not consider use.

Mr. Holmes said that a large map of the area, one showing the surrounding uses and building foot prints, would be of assistance. He added that statements from the individuals who drafted the Bring Back Broad Initiative and the New Plan for Old Mobile should make statements.

Mr. Betbeze stated that Palmer Hamilton had been influential in drafting the Bring Back Broad Initiative. Both it and the New Plan for Old Mobile encouraged mixed use.

Mr. Lawler cited a court case involving use.

Mr. Ladd asked if there was anyone one else from the audience who wished to speak either for or against the application.

Rhonda Davis, president of the Historic Mobile Preservation Society, addressed the Board. Ms. Davis stated that she was present to speak on behalf of the Board of HMPS in their opposition to the proposed development on account of both its design and use. Ms. Davis told the Board that the proposed redevelopment is not in keeping with the Secretary of the Interior's Standards for Historic Rehabilitation and the Design Review Guidelines for Mobile's Historic Districts. Noting that the HMPS's complex, the Oakleigh house and its affiliated buildings, are located in the heart of the Oakleigh Garden District, she said that both the Bring Back and the New Plan for Old Mobile were two publically funded projects that had addressed the districts peripheral areas including the property up for review. This project was in direct opposition to both of those efforts.

Mr. Anderson reiterated that a site plan like that of say Cotton Capers could not be built.

He thanked both Mr. Betbeze and Ms. Davis.

Mr. Davis withdrew the application.

**WITHDRAWN.**