

ARCHITECTURAL REVIEW BOARD MINUTES
February 18, 2009 – 3:00 P.M.
Pre-Council Chambers, Mobile Government Plaza, 205 Government Street

A. CALL TO ORDER

1. The Chair, Bunky Ralph, called the meeting to order at 3:05. Ms. Ralph, the former vice-chair, explained that she was sitting at chairman, following the resignation of chairman Tilmon Brown. Tom Karwinski, Bunky Ralph, Jim Wagoner, Carlos Gant, Harris Oswalt, Craig Roberts and Barja Wilson were in attendance.
2. Jim Wagoner moved to approve the minutes from February 4, 2009 meeting. The motion passed unanimously.
3. Harris Oswalt moved to approve the mid months COAs granted by Staff. The motion passed unanimously.

B. MID MONTH APPROVALS: APPROVED.

1. Applicant: Deborah Farmer

- a. Property Address: 302 N Joachim
- b. Date of Approval: 01/26/09
- c. Project: Replace two rotten windows to match the existing in profile, dimension and materials. Repair/replace any rotten siding and framing to match the existing in profile, dimension and framing. Paint all repairs to match the existing color scheme. The windows being replaced are not the originals, but the replacements will match the existing.

2. Applicant: IDI Signs, Inc.

- a. Property Address: 1365 Government St.
- b. Date of Approval: 02/02/09
- c. Project: New, non-illuminated, 60 sq. ft. (30 per each side), monument sign per submitted plans.

3. Applicant: Soul Kitchen

- a. Property Address: 219 Dauphin St.
- b. Date of Approval: 02/02/09
- c. Project: remove neon stripping; repair and repaint marquee; hang temporary banner.

4. Applicant: Jimmie Lucas

- a. Property Address: 1105 Elmira St.
- b. Date of Approval: 02/02/09
- c. Project: Replace lapped siding as needed to match existing in profile, dimension and material; repair deteriorated six-over-six windows or replace with new 6/6, true divided lite wood windows to match existing six-over-six windows in profile, dimension and material; install new wood front door to match existing opening once design is submitted to staff; prime new wood; repaint per submitted, approved colors.

5. Applicant: William Stratton

- a. Property Address: 706 Government St.
- b. Date of Approval: 02/03/09
- c. Project: Replace existing door with approved door – wood, single lite with transom.

6. Applicant: Bobby Williams

- a. Property Address: 1114 Government St.
- b. Date of Approval: 02/07/09
- c. Project: Repair roof per submitted plans.

7. Applicant: Ormandos M. Jackson

- a. Property Address: 507 St. Francis St.
- b. Date of Approval: 02/05/09
- c. Project: Repairs and stabilization of foundation, matching existing materials in dimension, profile and material.

8. Applicant: Richard Brown

- a. Property Address: 561 Eslava St.
- b. Date of Approval: 02/05/09
- c. Project: Replace rotten wood as necessary and repaint to match.

9. Applicant: Doug Cunningham

- a. Property Address: 115 N Lafayette St.
- b. Date of Approval: 01/07/09
- c. Project: Paint the house in the current scheme. Jack up and repair piers beneath the house. Install lattice between the piers.

10. Applicant: Chris Bowen

- a. Property Address: 1010 Dauphin St.
- b. Date of Approval: 1/26/09
- c. Project: Repair windows, window framing and siding, matching the existing in profile dimension and materials. Replace side windows with 1/1 wood frame windows to match the other 1/1 windows on the building. The front windows are to remain casements with transoms above. Repair wood on rear to match the existing in profile, dimension and materials. Paint all repairs to match the existing color scheme. Repair the 6 foot dog eared fence to match the existing.

11. Applicant: Charles Holder

- a. Property Address: 258 Congress St.
- b. Date of Approval: 02/05/09
- c. Project: Repair broken glass in rear ell, repair rotten framing to match existing.

C. APPLICATIONS

- 1. 017-09: 1255 Dauphin Street
 - a. Applicant: Alabama School of Math and Science
 - b. Project: Fence Approval
 - c. **DENIED.**
- 2. 018-09: 10 S. Monterey
 - a. Applicant: Mark and Denise Burks
 - b. Project: Fence Approval
 - c. **APPROVED.**
- 3. 019-09: 254 Rapier Avenue
 - a. Applicant: Hendrik Snow
 - b. Project: Fence Approval
 - c. **APPROVED.**

4. 020-09: 1102 Savannah Street
 - a. Applicant: Charles and LouAnn Ingram
 - b. Project: Repaint
 - c. **APPROVED.**
5. 021-09: 1211 Palmetto Street
 - a. Applicant: Daniel J. Burkoff / Max. B. McGill
 - b. Project: Renovation; window replacement
 - c. **APPROVED in part; TABLED in part; sent to Design Review Committee.**
6. 022-09: 1008 Church Street
 - a. Applicant: Douglas Kearley
 - b. Project: Exterior Renovation
 - c. **APPROVED.**
7. 023-09: 412B Dauphin Street
 - a. Applicant: Tilmon Brown / JTB Group, Inc.
 - b. Project: Certificate of Occupancy Approval
 - c. **TABLED; sent to Design Review Committee.**

D. OTHER BUSINESS

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

017-09-CA: 1255 Dauphin Street
Applicant: Bebe Lindsey / Alabama School of Math and Science
Received: 01/14/09
Meeting: 02/04/09

INTRODUCTION TO THE APPLICATION

Historic District: Old Dauphin Way
Classification: Contributing Property
Zoning: B-4
Project: Fence Approval

BUILDING HISTORY

This project involves the parking lot which fronts Caroline Ave and S. Ann Street, directly behind the Dauphin Way Baptist Church.

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. The applicants appeared before the Board on November 5, 2008, seeking approval for a fence replacement project. The Board approved a 6’ green, vinyl, chain link fence per submitted plans. The applicants now seek approval for a new 8’ chain link fence (not green vinyl, but mill-finished) along the southernmost property line. The 8’ chain link fence replaced an existing 8’ chain link fence. The applicants would also like to replace existing 8’ chain link fence along the eastern property line and the southeastern property line. See submitted plan.
- B. The Mobile Historic District Guidelines for fences states the following:
 - 1. Chain link fences are inappropriate for historic districts;
 - 2. “Fences 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.”
- C. Scope of Work:
 - 1. New (replacement) 8’ chain link fence along the southern property line adjacent to S. Ann Street;
 - 2. New 8’ chain link fence along eastern property line;
 - 3. New 8’ chain link fence along southern property line adjacent to S Georgia Ave.

STAFF ANALYSIS

As a general rule, chain link fences are inappropriate for a historic district. As with the November 5, 2008 application, Staff recommends this fence be approved on a temporary basis. The ASMS is in the process of raising funds for an iron fence to match the one on the Dauphin Street side of their property. Staff further recommends the ASMS landscape adjacent to the chain link fence, particularly as it nears the sidewalk on both South Georgia Avenue and South Ann Streets.

PUBLIC TESTIMONY

Bebe Lindsey and Vaughn Morrisette were present to discuss the application. Staff advised the Board and the public that phone calls and letters had been received from area residents in opposition to this application. Copies of the emails were circulated to board members and retained by staff for the certified record.

Ms. Lindsey explained that the fence in question was removed after a large tree fell onto it. At this juncture, the ASMS does not have the funds to put up any other type of fencing. Ms. Lindsey explained that unlike the green vinyl fence approved at an earlier date, this fence would be permanent.

Mr. and Mrs. Heinz, residents of 65 S Ann St., spoke on behalf of the neighborhood association in opposition to the chain link fence. Mrs. Heinz circulated a petition which had been signed by 31 nearby residents. A copy of the petition was retained by staff for the certified records. In effect, the residents were asking for the 8' chain link fence to be denied, timeline for the temporary 6' vinyl fence to be strictly adhered to, landscape along the southern property line, minimize the lighting over the parking lot, and for the school to be held to the same standards as its neighbors. Ms. Heinz also stated that the parking lot looks as if it belongs to a correctional facility a landscaping should be implemented.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony. Staff clarified 1) the application was only for the 8' chain link fence along the southwestern property line, not to replace the entire stretch of 8' chain link fence; 2) under the guidelines, chain link fences are inappropriate in historic districts; and 3) approval for the 6', green, vinyl link fence will expire on November 5, 2009.

The Board discussed alternative. Craig Roberts verified that the setback would be 20'.

FINDING OF FACT

Harris Oswalt moved that, based upon the evidence presented in the application and during the public testimony, the Board finds the facts in the Staff report, deleting facts C(2) and C(3).

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Tom Karwinski moved that, based upon the facts as amended by the Board, the application does impair the historic integrity of the district or the building and that a Certificate of Appropriateness be denied.

DENIED.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

018-09-CA: 10 S. Monterey
Applicant: Mark and Denise Burks
Received: 02/02/09
Meeting: 02/18/09

INTRODUCTION TO THE APPLICATION

Historic District: Old Dauphin Way
Classification: Contributing
Zoning: R-1
Project: Fence Approval

BUILDING HISTORY

This American four square is currently being renovated per a previously approved COA.

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. The applicants seek to construct a 6’ wood privacy fence across their rear property line.
- B. The Mobile Historic District Guidelines for fences states the following:
 - 1. “Fences 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.”
- C. Scope of Work:
 - 1. Construct six foot, dog-eared, wood, privacy fence across rear property line.

STAFF ANALYSIS

This application complies with the guidelines. Further, the Board routinely approves interior lot, rear yard privacy fences. Therefore, Staff recommends approval.

PUBLIC TESTIMONY

There was no one present to discuss the application.

BOARD DISCUSSION

Jim Wagoner confirmed that the application was only for a privacy fence along the rear property line.

FINDING OF FACT

Jim Wagoner moved that, based upon the evidence presented in the staff report, the Board finds the facts in the Staff report as written.

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Jim Wagoner moved that, based upon the facts as determined 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: 02/18/09.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

019-09-CA: 254 Rapier Avenue
Applicant: Hendrik Snow
Received: 02/02/09
Meeting: 02/18/09

INTRODUCTION TO THE APPLICATION

Historic District: Oakleigh Garden
Classification: Contributing
Zoning: R-1
Project: Fence Approval

BUILDING HISTORY

This two and a half story residence was constructed in 1907 and represents a mixture of architectural styles.

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. The applicants seek approval for a rear yard, wood, shadow box, privacy fence.
- B. The Mobile Historic District Guidelines for fences states the following:
 - 1. “Fences 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.”
- C. Scope of Work:
 - 1. 6’ wood, shadow box, privacy fence along southern property line until Chinese Tallow tree, per submitted plan;
 - 2. 4’ wood, shadow box, privacy fence along southern property line from Chinese Tallow tree to southeast corner, per submitted plan;
 - 3. 4’ wood, shadow box, privacy fence along eastern property line w/ gate

STAFF ANALYSIS

This application complies with the guidelines. Further, the Board routinely approves interior lot, rear yard privacy fences. Therefore, Staff recommends approval.

PUBLIC TESTIMONY

Hendrik Snow was present to discuss the application. Mr. Snow explained that they were new purchasers of this home; they had small children and there was no fence presently along the south property line. Mr.

Snow explained that the purpose behind raising the fence from 4' to 6' halfway down the fence line was to shield his neighbor's cars, which were parked in that corner of their back yard.

BOARD DISCUSSION

The board did not have any questions for this applicant.

FINDING OF FACT

Jim Wagoner 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

Jim Wagoner moved that, based upon the facts as determined 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: 02/18/09.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

020-09-CA: 1102 Savannah Street
Applicant: Charles and LouAnn Ingram
Received: 02/02/09
Meeting: 02/18/09

INTRODUCTION TO THE APPLICATION

Historic District: Oakleigh Garden
Classification: Contributing
Zoning: R-1
Project: Paint Approval

BUILDING HISTORY

This one and a half story Victorian was constructed in 1912.

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. The residence partially burned in 2008 and the applicants are now seeking approval to partially repaint their home based on matching the existing color at a local paint store. Although Staff usually approves repainting projects on a mid month basis, because this is an unusual request Staff defers to the Board.
- B. The Mobile Historic District Guidelines require paint selection to be approved by the ARB or MHDC staff. The Secretary of the Interior standards state, in pertinent part:
 - 1. “The goal of new construction should be to blend into the historic district, but to avoid creating a false sense of history. . .
 - 2. 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. . .
 - 3. New additions and 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:
 - 1. repaint newly constructed portion of home to match existing color, as closely as possible

STAFF ANALYSIS

Staff defers to the Board.

PUBLIC TESTIMONY

There was no present to discuss the application.

BOARD DISCUSSION

There was no board discussion.

FINDING OF FACT

Harris Oswalt moved that, based upon the evidence presented in the application, the Board finds the facts in the Staff report as written.

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Jim Wagoner moved that, based upon the facts as determined 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: 02/18/09.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

021-09-CA: 1211 Palmetto Street
Applicant: Daniel J. Burkoff / Max B. McGill
Received: 01/13/09
Meeting: 02/04/09

INTRODUCTION TO THE APPLICATION

Historic District: Oakleigh Garden
Classification: Contributing
Zoning: R-1
Project: Renovation; window replacement

BUILDING HISTORY

This is American 4-square was constructed in 1907 and has gone through numerous changes to its south (rear) and north (front) elevations.

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. The applicants seek approval to make some exterior changes based on interior, floor plan changes as the house undergoes renovation. This house received a significant overhaul in the 1960s or 1970s. The front porch was removed and replaced with the existing portico and all original windows were removed and replaced with 18-lite, fixed pane wood windows. The original windows, judging from adjacent properties which mirror this house, were one-over-one. More recently, the southeast corner of the home, which was once a back porch with rear stair, was enclosed and non-conforming, vinyl windows were installed. The applicants seek approval to 1) eliminate one kitchen window; 2) raise two kitchen windows to counter height; 3) eliminate previously installed window in upstairs porch area; 4) replace current non conforming back door with historic door.
- B. The Mobile Historic District Guidelines read, in pertinent part:
 - 1. “The type, size and dividing lights of windows and their location and configuration (rhythm) on the building help establish the historic character of a building.
 - 2. Original window openings should be retained as well as original window sashes and glazing.
 - 3. The size and placement of new windows for additions or alterations should be compatible with the general character of the building.”
- C. Scope of Work includes:
 - 1. eliminating one kitchen window;
 - 2. raising two kitchen windows to counter height;
 - 3. eliminating previously installed window in upstairs porch area;
 - 4. replacing current non-conforming back door with historic door.

STAFF ANALYSIS

In order to retain the symmetry and proper window fenestration of a historic building, the Mobile Historic District Guidelines recommends historic windows be retained. Therefore, Staff recommends denial in regards to removing the kitchen window. Furthermore, Staff recommends the applicants investigate ways to avoid shortening the other two kitchen windows to accommodate cabinets. For instance, the applicants could permanently shutter bottom half of the windows to avoid seeing the back of the cabinets from the street or rearrange their floor plan.

The applicants also seek to replace two sets of non-conforming, fixed vinyl windows, located on the enclosed back porch, with siding to match the existing siding. Staff has no objection to the removal of these windows and understands the interior plan calls for this to be the master bath and closet. However, Staff would encourage the applicants to consider retaining window units in this space in order to mimic the proper solid to void rhythm of a historic building.

Staff recommends approval for the replacing the existing back door with a historic door.

PUBLIC TESTIMONY

Daniel J. Burkoff and Max B. McGill were present to discuss the application. The applicants explained the interior floor plan for the kitchen and the need to change the shape of the windows in the kitchen. The applicants explained the plan for the second story porch. As a bathroom and master closets, the applicant felt they did not need windows in this area.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony. Carlos Gant explained to the applicants the method by which they could shutter the kitchen windows. Craig Roberts asked about the interior plan for the second floor bathroom.

FINDING OF FACT

Craig 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 C(1) to state that that kitchen window would be shuttered and C(2) to state that two kitchen windows would be half-shuttered.

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Craig Roberts moved that, based upon the facts as amended by the Board, the application does impair the historic integrity of the district or the building and that a Certificate of Appropriateness be issued for items C(1) and C(2) as amended and item C(4) only; Craig Roberts moved that item C(3) be tabled and sent to Design Review Committee.

Certificate of Appropriateness Expiration Date: 02/18/09.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

022-09-CA: 1006-1008 Church Street / 1007 Government Street
Applicant: Douglas Kearley
Received: 02/02/09
Meeting: 02/18/09

INTRODUCTION TO THE APPLICATION

Historic District: Oakleigh Garden
Classification: Contributing
Zoning: R-1
Project: Renovation

BUILDING HISTORY

This building was once the carriage house to the Gage-Ketchum mansion which faced Government Street. The mansion and its accessory structures were constructed approximately 1859-1860 and embodied the Italianate style, a then-popular alternative to the Greek Revival. Two accessory structures remain (this carriage house and a servants quarters further north on the lot) but the original home was destroyed in 1935. Research conducted by the applicant reveals that the buildings were most likely either designed by New York architect Calvert Vaux or modeled after a design in Vaux's book, *Villas and Cottages*, released in 1857.

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. Although built as a carriage house, the original form of the building was altered so that there is now a 1-1/2 story addition to the rear. The applicants propose restoring the exterior so that the front half more closely resembles its historic appearance and renovating the interior to accommodate a single family home.
- B. The Mobile Historic District Guidelines state, in pertinent part:
 - 1. "The exterior material of a building helps define its style, quality and historic period. The original siding should be retained and repaired. Replacement of exterior finishes, when required, must match the original in profile, dimension and material. Particular care must be taken with masonry. Consult with staff concerning the mortar mixture for re-pointing historic brick. Bricks and mortar should match the original in color, finish (strike) and thickness. The finish and scoring of new stucco work should match the original."
 - 2. "Original doors and openings should be retained along with any moldings, transoms or sidelights. Replacements should respect the age and style of the building."
 - 3. "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. The size and placement of new windows for additions or alterations should be compatible with the general character of the building."

4. In addition, the Secretary of the Interior standards state:
 - a. “Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.”

C. Scope of Work:

1. Per submitted plans, alterations to the south elevation include:
 - a. remove existing vestibule on south elevation and replace with wood carriage doors;
 - b. return half-round windows in vestibule to their original position on either side of the carriage doors.
 - c. install double set of French doors in east corner of addition on first floor;
 - d. remove existing door on second floor of addition in east corner and install relocated window;
 - e. remove double window on second floor of addition in west corner and install relocated single window;
 - f. remove existing door and install relocated six-over-six window on first floor of addition in west corner.
2. Per submitted plans, alterations to the west elevation include:
 - a. remove pair of arched windows in center of original masonry structure and replace with wood carriage doors;
 - b. remove staircase and first floor door from existing addition and replace with masonry to match existing;
 - c. remove landing and second floor door and wood window from existing addition and replace with siding to match existing;
 - d. install new, multi-lite, wood window in gable;
3. Per submitted plans, alterations to the north elevation include:
 - a. remove existing window in west corner of addition and fill with ¾” recessed masonry to match;
 - b. install new wood French doors and bracketed canopy;
 - c. repair and paint existing vent in gable;
 - d. repair existing second floor, six-over-six windows as needed;
 - e. repair siding as needed to match existing;
 - f. remove existing window in east corner of addition; replace with smaller wood window and refill masonry to match.
4. Per submitted plans, alterations to the east elevation include:
 - a. remove existing staircase;
 - b. remove existing louvered gable vent and replace with window;
 - c. repair existing windows, stucco and masonry as needed.

STAFF ANALYSIS

The proposed project seeks to return the original structure to its historic appearance while also incorporating a later, non-contributing addition into the overall scheme. The applicants have explored the building to determine where missing historical elements were once located. The center arch on the west indicates where the carriage doors were once located. There is also a wide arch on the south wall (currently inside the vestibule) indicating where the front carriage doors were located. Likewise, a ghost of the half-round windows can be seen on this same wall, thereby indicating where those two windows were once located on either side of the carriage doors. Thus, the replacement of the carriage doors and front façade to its original appearance is appropriate under the guidelines and greatly encouraged.

Likewise, the removal of the exterior doors and stairs will be a positive change to the building. More importantly, the proposed design seeks to find a common pattern among the different window shapes and styles while also allowing for modern interior floor plan changes. Notably, the proposed project does not call for any changes to the original windows. Overall, staff recommends approval for the renovation.

PUBLIC TESTIMONY

Douglas Kearley was present to discuss the application. The applicant explained a bit more about the history of the building.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony. Tom Karwinski asked about the porch.

FINDING OF FACT

Harris Oswald 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

Harris Oswald 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: 02/18/09.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

023-09-CA: 412B Dauphin Street
Applicant: Tilmon Brown
Received: 02/04/09
Meeting: 02/18/09

INTRODUCTION TO THE APPLICATION

Historic District: Lower Dauphin Street
Classification: Non- Contributing
Zoning: B-4
Project: Renovation

BUILDING HISTORY

Located directly behind the Gulf Mattress Factory building at 412 Dauphin Street, this rectangular, masonry warehouse most likely dates to the 1930s or 1940s and was where the mattresses were actually made when the factory was in operation.

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. The current renovation of this building into three condominium units is part of the larger Gulf Mattress Factory redevelopment project. Originally a one-story masonry structure, the warehouse featured a flat roof hidden behind a capped parapet, a large garage opening on the west elevation, and two windows and one door on the south elevation. The north and east elevations were solid brick. In order to convert the warehouse to condominiums, the proposed design entailed raising the roof to 1-1/2 stories to create a steep pitch with gabled ends and cutting a series of openings into the masonry walls to provide access and light to each unit. The applicant first submitted plans to the ARB on May 22, 2006. Two board members disclosed that they had worked on the project, but had no financial interest in the project. The Board raised several issues and tabled the plans. The applicant resubmitted the same plans with a memo addressing the Board’s concerns on June 12, 2006. The plans were approved (with one dissenting vote) and a certificate of appropriateness was issued. The applicant was issued a building permit on June 29, 2006; however, construction did not begin until late spring or early summer 2008. Framing inspections were done by Urban Development during the last week of August, 2008. In order to approve the Certificate of Occupancy, Staff visited the property on January 29, 2009. Staff observed that the building did not correspond to the ARB approved plans. Keeping with ARB rules, Staff issued a temporary Certificate of Occupancy for 30 days and advised the applicant to return to the ARB for approval for the as-built renovation.
- B. The Lower Dauphin Street Historic District Guidelines and the ARB rules of procedure are pertinent to this application:
 - 1. The Lower Dauphin Street Historic District Guidelines state, in pertinent part

- a. “These design guidelines seek to encourage restoration/rehabilitation within the downtown area in a manner that will encourage visual harmony and enhance historic integrity.
 - b. These design guidelines seek to encourage restoration/rehabilitation within the downtown area in a manner that will encourage visual harmony and enhance historic integrity.
 - c. Patterns and rhythms create a visual harmony in commercial districts. New construction and alterations should respect the already established streetscape.
 - d. Many upper story windows are placed at the same height above street level, and their sills and lintels frequently align.
 - e. Ornament and Detail are important in defining building facades. A range of decorative motifs is present in the LDSCD and creates visual interest. This variety of ornament is bound together by the consistency of basic building materials.
 - f. The painting of exterior brick is discouraged.”
2. In addition, under the ARB rules of procedure applicants must return to the Board with a new application when changes from previously-approved plans are anticipated. Similarly, under the ARB rules of procedure, Staff reviews all substantially complete projects prior to the issuing of a Certificate of Occupancy to determine if the approved plans have been followed. Failure to follow the approved plans may result in a Notice of Violation and the withholding of a Certificate of Occupancy.
- C. A comparison between the prior approved plans and the finished renovation of the building is explained in further detail below.
1. The west elevation (facing North Hamilton street) and east elevation (facing the interior parking lot) differs from the ARB-approved plans in the following ways:
 1. there are three sets of French doors instead of one set of French doors on the second floor and two windows on the first floor;
 2. the three sets of French doors do not align with one another and are not symmetrical as proposed in the original drawings where the French doors were directly above a set of first floor, multi-lite windows;
 3. in addition, the lower floor French doors are not proportionally placed in the wall;
 4. the trim/stucco molding around the French doors is more massive (i.e. heavier) than proposed and out of scale with other features of the building;
 5. the molding around the lower doors does not match the upper French doors, as proposed;
 6. the decorative vertical stucco panel between the two sets of proposed French doors was not installed;
 7. decorative stucco panels were not installed.
 2. The north elevation (facing St. Francis Street parking lot) differs from the ARB-approved plans in the following ways:
 1. the second floor gable appears taller and out of proportion than as drawn in the approved plans;
 2. the center set of French doors on the first floor does not align with second story French doors;
 3. the doors differ in design than proposed;
 4. decorative stucco panels were not installed over any of the doors;
 5. the exterior piping does not appear on the ARB-approved plans.
 3. The south elevation (facing rear wall of Mattress Factory) differs from the ARB-approved plans in the following ways:
 1. three six-over-six windows were not installed;

2. the second floor gable appears taller and out of proportion than as drawn in the approved plans;
3. the decorative panel was not installed;
4. the exterior piping does not appear on the ARB-approved plans.

STAFF ANALYSIS

Because all exterior changes to buildings in historic districts must be granted a certificate of appropriateness by the Architectural Review Board, the Board requires applicants to make a new application for a certificate of appropriateness if any changes from previously-approved plans are anticipated. When applicants deviate from approved plans, the Board must determine whether the changes are appropriate or inappropriate. If the changes are appropriate, the applicant is granted a permanent certificate of occupancy. If the changes are inappropriate, the applicant is required to either 1) reconstruct the project to comply with the previously-approved plans or, in the alternative, 2) mitigate the inappropriate changes by making appropriate adjustments to the as-built design.

In this instance, Staff does not find the as-built project appropriate to the historic district. As illustrated by the attached drawings, the proposed design for the conversion of this warehouse to residential units was traditional in nature. Just as the style, massing, setback, form and material define the character of buildings in historic districts, the rhythm of plane and void is one of the defining characteristics of architecture in historic districts. In this instance, the misalignment of the doors and windows, in addition to the installation of only three sets of French doors on the east and west elevations, rather than two door and two window units, disturb the building's symmetry. The same occurs on the north elevation. The lack of symmetry and proportionality among the openings in this otherwise symmetrical building neither reflects traditional buildings or contemporary motifs. As such, the as-built renovation of this warehouse does not follow the historic district guidelines and is, therefore, inappropriate for the historic district.

In addition, Staff finds other departures from the approved plan inappropriate as well, including the variation between the molding and trim around the first floor and second floor French doors; the failure to install three six-over-six windows on the north elevation; and, the disproportional gable openings on the north and south elevations.

Because the as-built renovation was not approved and is inappropriate to the historic district, Staff recommends the applicant be required to comply with the approved plans; however, Staff realizes that such a requirement will result in extensive remodeling and, given the significant changes and encountered structural difficulties, may be economically unfeasible.

In the alternative, Staff is unclear what exactly could be proposed at this juncture to appropriately mitigate the situation. As a starting point, Staff recommends the applicant partially comply with the approved plans by installing the three six-over-six windows as drawn on the south elevation. Upon the consideration by the Board of architectural drawings illustrating these changes, Staff recommends the applicant install another set of first floor French doors on the east and west elevations and apply decorative features to the pediment of the new north and south gables above the French doors. Failure to comply with approved plans or find an appropriate solution, if any, will result in a Notice of Violation being issued and the Certificate of Occupancy being withheld.

PUBLIC TESTIMONY

Tilmon Brown was present to discuss the application. Mr. Brown read a statement announcing his resignation and apologizing for the present problems with this building. The applicant explained that

plans for the building changed in order to accommodate interior structural support. Further, there were a series of different architecture and engineering firms on the project over the course of five years which resulted in confusion. The applicant stated that he was there to work out a solution. The applicant presented drawings to the Board illustrating design solutions for the east and north elevations. The Board could not comment on these proposals because they were not part of the current application. Craig Roberts questioned why the plans for the building changed and why the applicant did not return to the Board at that time. Board members suggested these solutions be discussed at a design review committee.

Councilman William Carroll stated that he would like to see the process work as it has in the past and felt that a design review committee is a good solution.

Jim Walker, a Dauphin Street property owner and merchant, stated that he felt enforcement was not fair and equal in the historic districts. Mr. Walker further stated that he found it hard to believe that the chair of the ARB did not realize how much this building differed from the plans presented.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony.

FINDING OF FACT

There was no finding of fact.

DECISION ON THE APPLICATION

Carlos Gant moved that the application be tabled and sent to a Design Review Committee.

TABLED; sent to Design Review Committee.