

**ARCHITECTURAL REVIEW BOARD MINUTES**  
**February 20, 2013 – 3:00 P.M.**  
**Pre-Council Chambers, Mobile Government Plaza, 205 Government Street**

**A. CALL TO ORDER**

1. The Chair, Harris Oswalt, called the meeting to order at 3:00. Cart Blackwell, MHDC Staff, called the roll as follows:  
**Members Present:** David Barr, Nick Holmes III, Thomas Karwinski, Harris Oswalt, and Steve Stone.  
**Members Absent:** Gertrude Baker, Kim Harden, Carolyn Hasser, Bradford Ladd, Craig Roberts, Jim Wagoner, and Janetta Whitt-Mitchell.  
**Staff Members Present:** Devereaux Bemis, Cart Blackwell, and John Lawler.
2. Mr. Karwinski moved to postpone approval of the minutes of the February 6, 2013 meeting. The motion received a second and passed unanimously. Staff explained that the minutes had been posted and reposted several times prior to the meeting, but technical difficulties affecting the website had ensued. Said technical problems had been solved and the minutes of the aforementioned meeting had finally been posted permanently on the website.
3. After discussion regarding Mid Month #10, Mr. Karwinski moved to approve the midmonth COA's granted by Staff. It was decided that Staff should not approve metal bollards.

**B. MID MONTH APPROVALS: APPROVED**

1. **Applicant: Steve Stone with dakinstreet Architects**
  - a. Property Address: 124 North Ann Street
  - b. Date of Approval: 1/30/13
  - c. Project: Replace windows to match the existing in profile, dimension, and material. Make repairs to brick fence piers. Repave an existing parking lot.
2. **Applicant: Bruce Knodel**
  - a. Property Address: 257 State Street
  - b. Date of Approval: 1/30/13
  - c. Project: Repaint the building per the existing color scheme. Repair any deteriorated stuccowork to match the existing.
3. **Applicant: Dharam Pannu**
  - a. Property Address: 505 Eslava Street
  - b. Date of Approval: 1/29/13
  - c. Project: Repair deteriorated woodwork to match the existing and repaint to match the existing.
4. **Applicant: Gina Finnegan**
  - a. Property Address: 1306 Dauphin Street
  - b. Date of Approval: 1/29/13
  - c. Project: Construct an ancillary structure (per submitted plans) atop an existing concrete slab. The building will be setback 4' from the east property line and 3' from the North property line. Measuring 40' x 23' in plan, the building will be faced with hardiboard siding and employ windows salvaged from a demolished ancillary building. The building's bracketed eaves will match those found on the principle dwelling. A hipped roof will surmount the whole. The roofing shingles and color scheme will match that of the principle dwelling. French doors will allow for ingress and egress.
5. **Applicant: Richard Brown Building and Maintenance**
  - a. Property Address: 256 South Broad Street

- b. Date of Approval: 1/30/13
  - c. Project: Repair and replace (when and where necessary) deteriorated woodwork and details to match the existing in profile, dimension, and material. Touch up the paint per the existing color scheme.
- 6. Applicant: Rennie Brabner**
- a. Property Address: 303 North Conception Street
  - b. Date of Approval: 1/30/13
  - c. Project: Repair and when necessary replace deteriorated windows and components to match the existing. Repair any deteriorated woodwork to match the existing in profile, dimension, and material. Touch up the paint per the existing color scheme.
- 7. Applicant: Satori Sound for Charles H. Cox**
- a. Property Address: 1737 Hunter Avenue
  - b. Date of Approval: 2/4/13
  - c. Project: Install storm windows. The storm windows will fit within the window reveals. Replace and when necessary replace side and rear windows to match the existing in profile, dimension, and material.
- 8. Applicant: Annunciation Greek Orthodox Church**
- a. Property Address: 50 South Ann Street
  - b. Date of Approval: 2/4/13
  - c. Project: Remove deteriorated doors accessing the main sanctuary. Replace the deteriorated wooden doors with stylistically and temporally appropriate wooden doors (per the submitted design).
- 9. Applicant: Vernon Moore**
- a. Property Address: 210 Dexter Avenue
  - b. Date of Approval: 2/4/13
  - c. Project: Repair and replace deteriorated woodwork to match the existing in profile, dimension, and material. Repaint the house per the existing color scheme.
- 10. Applicant: Coastal Exposures Landscape for McGill Toolen Catholic High School**
- a. Property Address: 1413 Old Shell Road
  - b. Date of Approval: 2/4/13
  - c. Project: Remove sections of sidewalk in front of the building. Reinstatement of the green space located between the curb and the outer edge of the sidewalk. Reinstall the concrete sidewalk and reconfigure the entrance walks. Install 3' high steel bollards featuring ball-finish caps with suspended metal links alongside the sidewalk.
- 11. Applicant: James Woodall**
- a. Property Address: 508 George Street
  - b. Date of Approval: 2/5/13
  - c. Project: Repair and when necessary replace deteriorated woodwork to match the existing in profile, dimension, and material. Repaint per the existing color scheme.
- 12. Applicant: Carla Sharrow**
- a. Property Address: 1005 Augusta Street
  - b. Date of Approval: 2/6/13
  - c. Project: Construct wood deck at rear of house per plan, remove existing chain link fence along northeast side and erect four foot privacy fence, except for eight foot section at the side rear.
- 13. Applicant: Deborah Mason**
- a. Property Address: 27 South Lafayette Street
  - b. Date of Approval: 2/6/13
  - c. Project: Repaint the house per the existing color scheme.
- 14. Applicant: Azalea Health Care**
- a. Property Address: 805 Church Street

- b. Date of Approval: 2/6/13
- c. Project: Install a 12" x 10" metal sign on the modern doorway. The sign will advertise the name, hours, and numbers of the occupying tenant.

**15. Applicant: Take Five Oil Change**

- a. Property Address: 1307 Government Street
- b. Date of Approval: 2/13/13
- c. Project: Renewal of a signage package issued on 15 February 2012.

**16. Applicant: Jarrod White**

- a. Property Address: 1200 Dauphin Street
- b. Date of Approval: 2/13/13
- c. Project: Install metal garage doors per the submitted design.

**17. Applicant: Glynis Madision**

- a. Property Address: 1111 Dauphin Street
- b. Date of Approval: 2/8/13
- c. Project: Install a temporary sign for a thirty day period. A permanent sign is under construction.

**C. APPLICATIONS**

**1. 2013-12-CA: 1355 Old Shell Road**

- a. Applicant: Lydia Craft with Remax Realty for Phillip and Michael Shade
- b. Project: Reroofing – Install a metal roof.

**DENIED AS PROPOSED. RECOMMENDATION APPROVED. CERTIFIED RECORD ATTACHED.**

**2. 2013-13-CA: 16 South Royal Street (101 Dauphin Street)**

- a. Applicant: Goodwyn, Mills and Cawood for the Retirement Systems of Alabama
- b. Project: Demolition - Demolish a storefront facade along with related inner lot buildings.

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

**D. OTHER BUSINESS**

- 1. Discussion

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

**2013-12-CA: 1355 Old Shell Road**  
**Applicant: Lydia Craft with Remax Realty for Phillip and Michael Shade**  
**Received: 2/4/13**  
**Meeting: 2/20/13**

**INTRODUCTION TO THE APPLICATION**

Historic District: Old Dauphin Way  
Classification: Contributing  
Zoning: R-1  
Project: Reroofing – Install a metal roof.

**BUILDING HISTORY**

This house dates circa 1900. The contributing dwelling features substantial rear additions.

**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. In this application, the applicants propose the installation of a metal roof.
- B. The Design Review Guidelines for Mobile’s Historic Districts et state, in pertinent part:
  - 1. “A roof is one of the most dominant features of a building. Original roof forms, as well as the original pitch of the roof should be maintained. Materials should be appropriate to the form and the pitch and the color.”
- C. Scope of Work (per submitted materials):
  - 1. Reroof the dwelling with metal roofing panels.
    - a. The roofing panels will be Tuff-Rib in type.
    - b. The roofing color/finish will be Galvalume.

**STAFF ANALYSIS**

This application involves the installation of a metal roof. Metal roofing is among the approved roofing materials listed in the Design Review Guidelines for Mobile’s Historic Districts. Applications for metal roofs are reviewed on a case by case basis.

Metal roofing is a traditional roofing material. As the 19<sup>th</sup> Century progressed, metal roofs were employed more frequently. Both frame & brick and residential & commercial buildings featured metal roofs. Standing seam panels and individual shingles were the most common metal roofing types. 5-V crimp metal roofing was another alternative.

The Design Review Guidelines state that roofing materials should be appropriate to the form, pitch, and color of the roof. (See B-1 of the Staff Report.)

This house does not feature a complicated roof structure. Neither dormers, turrets, nor multiple projecting bays need to be addressed. The roof over the main house is hipped in form. A staggered hip roof configuration extends over a rear wing. Two extremely low pitched shed roofs surmount later rear additions. A hipped roof side wing and rear service wing extend from the hipped roof body of the center hall house.

The roof pitches are not pronounced.

The proposed roof is galvalume in color. This silvered color is the traditional color of metal roofing.

In reviewing previous applications the Board has discussed the number and spacing of ridges. Standing Seam and 5-V crimp have been approved on account of the fewer number and lower height of dividing seams. The proposed roofing features more pronounced and closely placed ridges.

### **STAFF RECOMMENDATION**

Based on (B-1) and previous Board rulings, Staff believes this application would impair the architectural and the historical character of the building and the district. Staff recommends that the applicant consider either standing seam or 5-V crimp metal roofing panels.

### **PUBLIC TESTIMONY**

No one was present to discuss the application

### **BOARD DISCUSSION**

Mr. Karwinski asked Staff if the applicants had considered using metal shingles. Mr. Blackwell addressed Mr. Karwinski's query. He stated that Staff had recommended the use of either 5-V crimp or standing seam metal roofing panels, but not individual metal shingles. He elaborated by saying that economic considerations were a determining factor.

Mr. Holmes asked Staff if they had spoken with the applicants. Mr. Blackwell answered no. He told the Board that he had only spoken with their representative. That said, he explained to the Board that the applicants had received the agenda via email.

### **FINDING OF FACT**

Mr. Holmes 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. Holmes moved that, based upon the facts as approved by the Board, the application does impair the historic integrity of the district or the building and that a Certificate of Appropriateness not be issued. The Board approved the use of either standing seam or 5-V crimp metal panels.

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 2/20/14**

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

**2013-13-CA: 16 South Royal Street (101 Dauphin Street)**  
**Applicant: Goodwyn, Mills and Cawood for the Retirement Systems of Alabama**  
**Received: 2/4/13**  
**Meeting: 2/20/13**

**INTRODUCTION TO THE APPLICATION**

Historic District: Lower Dauphin Commercial  
Classification: Contributing  
Zoning: B-4  
Project: Demolition – Demolish a storefront along with related inner lot buildings.

**BUILDING HISTORY**

This complex of buildings comprises the rear portion of the Van Antwerp complex. The façade of building fronting South Royal Street dates from the latter half of the 19<sup>th</sup> Century. The building was remodeled several times over the course of 20<sup>th</sup> Century. The inner lot buildings and their appendages date from 1901 or later.

**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 application up for review calls for the demolition of a storefront facade and related inner lot buildings.
- B. The regards to demolition, the Guidelines read as follows: “Proposed demolition of a building must be brought before the Board for consideration. The Board may deny a demolition request if the building’s loss will impair the historic integrity of the district.” However, our ordinance mirrors the Mobile City Code, see §44-79, which sets forth the following standard of review and required findings for the demolition of historic structures:
  - 1. *Required findings; demolition/relocation.* The Board shall not grant certificates of appropriateness for the demolition or relocation of any property within a historic district unless the board finds that the removal or relocation of such building will not be detrimental to the historical or architectural character of the district. In making this determination, the board shall consider:
    - i. The historic or architectural significance of the structure(s):
      - 1. The buildings proposed for demolition consist of a late 19<sup>th</sup>-Century commercial building as well as inner lot buildings that serviced the whole sale drug and enterprises (among others) that comprised the larger Van Antwerp complex. The building facing the street dates from the late 19<sup>th</sup> Century. It is a contributing building located within the Lower Dauphin Commercial District. As historical photographs indicate, the

façade has been remodeled on numerous occasions. Originally a stepped and ornament pediment crowned the façade and hood molds surmounted the upper-story fenestration. A 1950s ground floor storefront has been removed. Jalousie windows have been inserted in the upper story's fenestrated bays. With the exception of 1950s filler buildings, the multistory inner lot building date circa 1901. Constructed in anticipation of the adjacent Van Antwerp Skyscraper, these buildings allowed for the continued operation of the Van Antwerp commercial operations throughout the construction of the high rise building (1904-1909).

- iii. The importance of the structures to the integrity of the historic district, the immediate vicinity, an area, or relationship to other structures;
  1. With the exception of the storefront at 16 South Royal Street, the buildings proposed for demolition do not engage the streetscape. The upper stories of the building labeled B-5 in the site plan are partially visible from Dauphin Street.
- iv. The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;
  1. Some of the building materials are capable of being reproduced. The heavy timbers that once framed the buildings would have to be obtained from a salvage facility.
- v. Whether the structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region or is a good example of its type, or is part of an ensemble of historic buildings creating a neighborhood;
  1. As a complex, these buildings are historically significant in that they constitute the remains of what was once one of the regions more successful commercial enterprises. A broad concern, wholesale to real estate, the Van Antwerp concern was one of Mobile's premier business entities at the turn of the 19<sup>th</sup> Century. The completed complex represented the high point of the family business. Other similar complexes of this date are no longer extant. Other comparable commercial complexes of later date include the former Kress Complex (Hargrove Engineering) and the old Gayfer's conglomerate.
- vi. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area.
  1. The applicant's representatives are in the process of developing plans that would allow for the revitalization of the Van Antwerp highrise, the property's primary building of significance. The site would be reused for access and service related activities.
- vii. The date the owner acquired the property, purchase price, and condition on date of acquisition;
  1. The Retirement Systems of Alabama acquired the larger property on October 30, 2012.
- viii. The number and types of adaptive uses of the property considered by the owner;
  1. After investigating the condition of the buildings proposed for demolition and taking into consideration the restoration, renovation, and servicing of the Van Antwerp building, the applicants have continued to develop plans on how to successfully redevelop the inner lot area.



- ix Whether the property has been listed for sale, prices asked and offers received, if any;
    - 1. No.
  - x. Description of the options currently held for the purchase of such property, including the price received for such option, the conditions placed upon such option and the date of expiration of such option;
    - 1. NA.
  - xi Replacement construction plans for the property in question and amount expended upon such plans, and the dates of such expenditures;
    - 1. Not submitted.
  - xii Financial proof of the ability to complete the replacement project, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
    - 2. Not Necessary.
  - xiii Such other information as may reasonably be required by the board.
    - 1. See submitted Materials.
2. *Post demolition or relocation plans required.* In no event shall the board entertain any application for the demolition or relocation of any historic property unless the applicant also presents at the same time the post-demolition or post-relocation plans for the site.”

C. Scope of Work (Per Submitted Materials).

- 1. Demolish a street front façade and related inner lot buildings.
- 2. Remove debris.
- 3. Continue developing plans for the redevelopment of the site.

**STAFF ANALYSIS**

This application involves the demolition of the shell of a commercial storefront along with related inner lot buildings. When reviewing demolition requests, the following criteria are taken into account: the architectural significance of the building(s); the condition of the buildings(s); the impact on the streetscape; and the nature of any proposed redevelopment.

The street-facing building proposed for demolition is listed as contributing structure located within the Lower Dauphin Commercial Historic District. It dates from the latter half of 19<sup>th</sup> Century. Remodeled several times over the course of the 20<sup>th</sup> Century, the building’s façade is much altered. Two of the inner lot buildings date from circa 1901. Small single-story infill buildings located in areas that once served as light wells and connecting passages were constructed at a latter date. A third multi-story building dating from 1901 is also proposed for demolition.

The building fronting Royal Street is a gutted shell. The second floor and roof structures are in danger of collapse. The ground floor’s mid 20<sup>th</sup>-Century storefront has been removed. Aluminum window units are located within the upper story’s fenestration. The buildings located to the west (behind) and northwest of the building are in varying states of deterioration. Party walls of the surrounding properties comprise the only remains of the two buildings located immediately behind the aforementioned storefront. Roofs covering two small filler buildings whose spaces originally functioned as lot light wells and connecting passages have collapsed. A multi-store grains structure suffered from demolition by neglect.

With the exception of the facing block, this block constitutes the only continuous streetscape remaining on Royal Street. To the north at the corner of Royal and Dauphin Streets stands the Van Antwerp Building and to the south are the Kress, Neisner’s, and Olensky Buildings. With the exception of the last

building all are contributing buildings. The demolition of the storefront would cause a cavity in otherwise intact urban vista.

In order to facilitate the exterior restoration and interior renovation of the adjacent Van Antwerp Building, the buildings in question are proposed for demolition. Service related functions and access requirements would be accommodated in the space. The finalized post demolition plan for the site is still being developed. Plans submitted for review illustrate the buildings to be removed. The treatment of exposed walls and new construction will appear before the Board at a later date. The applicant and the representatives are aware that any new design should take into the built density that characterizes the area both in times present and past. All debris would be removed from the site. Salvaged materials would be reused.

## **STAFF RECOMMENDATION**

Based on B (1-2), Staff believes this application will impair the architectural and the historical character of the property and the district. Taking into the account the condition of the buildings, Staff recommends approval of the demolition. Redevelopment plans would require Board approval. Staff recommends the owners and their design professionals engage the Board as soon as possible on the design for the Royal Street façade.

## **PUBLIC TESTIMONY**

No was initially present to discuss the presentation.

## **BOARD DISCUSSION**

Mr. Holmes opened the Board discussion. He cited three instances in which historic facades had been required to remain in place. The three examples mentioned were as follows: 56 Saint Francis Street (Cooley Building); 108 Dauphin Street (Antomachi-Metzger Building); and the 210 Dauphin Street (McCaw Building).

Mr. Bemis responded to Mr. Holmes by saying that of the three cited examples, the MHDC holds easements on the two Dauphin Street; therefore, the Properties Committee required that the subject buildings not be demolished. With regard to the third example, the Cooley Building, Mr. Bemis explained that it had more surviving structural and decorative integrity than the property up for review.

Mr. Holmes reminded Mr. Bemis and his fellow Board members of the importance of precedent, both past and future. He said that in approving this application in its present form, the Board would be opened up to criticism for not following its own regulations

Mr. Stone said that he was concerned by the fact that no redevelopment plans had been submitted for review.

Mr. Bemis told the Board that the applicant's representatives were in the process of developing plans. He explained that a liner façade had been discussed.

Mr. Holmes asked for clarification as to the definition of a liner façade. Mr. Bemis said that a liner façade was simply a false front.

Mr. Bemis explained that a liner façade would shield from the public view service and mechanical equipment that would service the Van Antwerp Building. He said that a vehicular entrance would allow for ingress and egress.

Mr. Stone suggested that the applicant's consider retaining the façade as a whole.

Mr. Bemis said that he had suggested a new building be constructed with a drive to the side.

Mr. Karwinski stated that while he had no objection to the demolition of the inner lot buildings, he did have concerns about not having redevelopment plans which to review. He said that it was typical for the Board to deny an application for lack of information if no plans are provided.

At that juncture, the applicant's representatives arrived at the meeting.

Mr. Oswalt welcomed the applicant's representatives. He asked them if they had any comments to make, questions to ask, or clarifications to address.

At the behest of Laura Clarke of Urban Development, the applicant's representative introduced themselves. Steve Timms with the RSA was the first to introduce himself to the Board. Mr. Timms then introduced Tracy Bassett and Chris Thrash, both of Goodwyn, Mills and Cawood.

Mr. Timms explained the overall scheme and of the phased project. He said that the buildings are located to the rear of the Van Antwerp Building and that their demolition would be necessary to restore said skyscraper. Mr. Timms told the Board that the RSA is in negotiation with the adjacent property owners regarding the proposed demolition. None of the neighboring stakeholders had any objections. He said that based on discussions with Mr. Bemis and Mr. Blackwell he realized the importance of maintaining the streetscape. Mr. Timms said that during the course of recent municipal interdepartmental meeting, plans had been discussed. He went on to state that the RSA was more than willing to work the Board and the City to develop a new street front that would be in keeping with the original design. He then referenced the appearance of several older buildings that once stood on the site. Mr. Timms told the Board that the RSA was considering building upon a deck-like balcony treatment inspired by one of the earlier structures to occupy the site. He stated that this phase one of the larger property's redevelopment and restoration would allow for other phases, namely the restoration of the Van Antwerp Building and redevelopment of the portion of the property up for review.

Mr. Karwinski addressed Mr. Timms. He said that personally speaking, he was uncomfortable giving a blanket approval for a demolition since plans for redevelopment were not provided

Mr. Timms responded to Mr. Karwinski's remark by saying that given the nature of the project and the proven commitment of the RSA to downtown Mobile, he said that the request was not unreasonable. He said that it was unreasonable to pin an interior project on a portion that was minuscule in relation to the larger whole. Mr. Timms said that the RSA is committed to making the project a success and urged the Board to at this point approve the demolition plans.

Mr. Karwinski told Mr. Timms that a change in priorities is needed. He said that the architectural design should be placed at the forefront of the process.

Mr. Timms stated that while he respected Mr. Karwinski's opinion and was open to suggestions, the buildings proposed for demolition are in a bad state of repair and are impeding a larger redevelopment that would benefit the historic district. Mr. Timms reiterated his respect for the Board's position and opinion, but urged them to move ahead on account of all the logistical stages involving. From demolition to design to rebuilding to leasing, he said the project was enormous in scope and much remains to be accomplished.

Mr. Oswalt asked Mr. Timms if there was anyway which the façade of the street-facing building might be retained.

Mr. Timms stated that the demolition of the inner buildings would necessitate the demolition of the building that faces the Royal Street. Referencing the building's current condition, he said that a new design more in keeping with the property's appearance at an earlier date would be more attractive. He said that Dr. Bronner wanted a new building, one that afforded a wow factor as opposed to the derelict shell currently occupying the site. He reiterated that building in its present condition is nothing like it was originally.

Mr. Lawler addressed the Board. He stated that the application up for review is not unreasonable. Mr. Lawler explained that whatever the ruling any redevelopment would be subject to the Board's review.

Mr. Stone agreed with Mr. Lawler, but asked if there was some form of guarantee that if approved the site would not become a parking lot.

Mr. Timms answered yes. He said that he could easily send a letter confirming that the site would be rebuilt upon in an appropriate manner.

Mr. Bemis and Laura Clarke of Urban Development entered into a discussion regarding which parcel the subject property is located upon within the larger complex.

Mr. Holmes stated the basic problem of precedent still needed to be addressed. He said that redevelopment plans are required prior to the issuance of a demolition. Mr. Holmes said that neglecting that simple fact the rules and system in place would be at stake.

Mr. Timms agreed with Mr. Holmes. He said that he did not want to beat a dead horse, but the RSA has history of following up on in the appropriate manner. He cited the Battle House complex, the RSA Tower, the River View Tower, and the AmSouth Building.

Mr. Bemis suggested to the Board and Mr. Timms that the RSA agree to replicate the second floor in a new design.

Mr. Timms said that if a better design could not be developed, replicating the second floor in lieu of a of one would be solution

Mr. Karwinski said that it was necessary to fully to commit to recreating the façade. He said that priority should be given to developing a new design.

Mr. Bemis stated that in agreeing to replicate the second story, the application then meets the letter of the law.

Mr. Holmes added that the Cooley Building served as precedent.

Mr. Oswalt asked his fellow Board members if they had any further questions to ask the applicant's representatives.

## **FINDING OF FACT**

Mr. Stone moved that, based upon the evidence presented in the application and during the public testimony, the Board finds the facts in the Staff report, amending facts to reflect that a future building will

replicate the historic design if submitted plans for a new building are not appropriate for the streetscape and the district.

The motion received a second and was unanimously approved.

#### **DECISION ON THE APPLICATION**

Mr. Holmes 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 on account of the extent of the deterioration.

The motion received a second and was approved.

Mr. Karwinski and Mr. Stone voted in opposition.

**Certificate of Appropriateness Expiration Date: 2/20/14**