

ARCHITECTURAL REVIEW BOARD MINUTES
January 21, 2009 – 3:00 P.M.
Pre-Council Chambers, Mobile Government Plaza, 205 Government Street

A. CALL TO ORDER – The Chair called the meeting to order at 3:05.

1. Board members Tilmon Brown, Tom Karwinski, Harris Oswalt, Barja Wilson, Carlos Gant, Jim Wagoner, Bunky Ralph, Bradford Ladd and Craig Roberts were present. Staff present were Devereaux Bemis and Keri Coumanis.
2. Tom Karwinski moved to approve the minutes from the January 7, 2008 meeting. The motion received a second and was unanimously approved.
3. Craig Roberts moved to approve the mid month requests. The motion received a second and was unanimously approved.

B. MID-MONTH APPROVALS – APPROVED.

1. **Applicant's Name: Rentz Home Maintenance**
 - a. Property Address: 11 Lee Street
 - b. Date of Approval: 12/28/08
 - c. Project: Reroof with 3 tab shingles
2. **Applicant's Name: George Swann**
 - a. Property Address: 56 Fearnway
 - b. Date of Approval: 1/06/09
 - c. Project: Repair rotten wood on rear of house, matching existing in profile dimension and material. Paint to match the existing house.
3. **Applicant's Name: D & B Construction**
 - a. Property Address: 56 S Hallett St.
 - b. Date of Approval: 1/05/09
 - c. Project: Reroof with 3 tab shingles.
4. **Applicant's Name: Leek Proof Roofing**
 - a. Property Address: 1210 Government Street
 - b. Date of Approval: 12/31/08
 - c. Project: Exterior repairs and reroof.

C. APPLICATIONS

1. **009-09-CA: Corner of Chatham and Church**
 - a. Applicant: Douglas Kearley
 - b. Request: New Residential Construction
 - c. **APPROVED in part; WITHDRAWN in part; CERTIFIED RECORD ATTACHED.**
2. **010-09-CA: 1306 Dauphin Street**
 - a. Applicant: Regina Finnegan
 - b. Request: Privacy fence and aluminum fence
 - c. **APPROVED; CERTIFIED RECORD ATTACHED.**

D. OTHER BUSINESS

1. **256 Congress:** This new construction project was approved at the February 7, 2008, ARB meeting. However the applicant has recently contacted the Staff and indicated he would like to install a different window unit than the one originally approved. The ARB approved 6/6, true-divided lite, single-pane, wood windows for the project. The owner now seeks approval to install 6/6, either wood window either with or without aluminum or vinyl cladding, double-insulated windows with permanently affixed, exterior, simulated muntins. Staff determined the window was appropriate for new construction within a historic district and would not impair the historic district. Staff further determined the change from the original COA needed to be discussed with the Board. Devereaux Bemis presented a sample of the proposed window to the Board. The Board discussed proper procedure for hearing this change order. A motion was made to determine whether or not this change order could be heard at this time. The motion passed 6-3, with Harris Oswalt, Tilmon Brown and Bunky Ralph dissenting. The Board discussed whether the applicant would consider 1/1 windows. In the past, 1/1, insulated glass windows have been recommended for new construction in historic districts. However, the Board discussed the fact that 6/6 windows are more appropriate, given the design's traditional character and its location within the De Tonti Square Historic District. Tilmon Brown questioned the muntin dimension. Craig Roberts shared that Kolbe made a similar window with narrower muntins. The Board discussed whether this window placed on an appropriately-designed new building would impair the historic district. A motion was made in favor of approving the proposed window for this new construction project. The motion passed 7-2, with Tilmon Brown and Bunky Ralph dissenting. NOTE: Following the meeting, staff contacted the owner who agreed to use the 5/8" muntin preferred by the Board.
2. **31 Lee Street:** Staff received a 311 call on this property. Staff visited the property and determined that the scope of work extended beyond the issued COA. Staff further determined that the work appeared appropriate. Staff consulted the Board to determine whether or not Staff could issue a new COA as a midmonth or whether the applicant needed to make a new application. The Board informed the staff that the applicants needed to submit a new application.
3. **Bunky Ralph discussed her attendance at the Preservation Leadership Training.**

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

009-09-CA: **Corner of Chatham and Church**
Applicant: **Douglas Kearley**
Received: **1/05/09**
Meeting: **1/21/09**

INTRODUCTION TO THE APPLICATION

Historic District: Oakleigh Garden
Classification: Non-Contributing Property
Zoning: R-1
Project: New Construction

BUILDING HISTORY

This is a vacant lot in the Oakleigh Garden District.

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 wish to construct a new residence on this property.
- B. 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. Applicants propose:
 - 1. constructing a two-story, brick home per the submitted plan
 - a. masonry exterior and foundation
 - b. hipped roof with Timberline shingles
 - c. L-shaped side galleries with wood columns and railings
 - d. two-over-two, vinyl clad wood windows with soldier courses
 - e. wood door
 - f. other details to be wood
 - 2. construct a one-story garage per the submitted plan
 - a. Brick exterior
 - b. Fiberglass/composite door

3. construct a brick wall per the submitted plan
 - a. 6' high
 - b. Wall will enclose front yard to create courtyard
 - c. provide for privacy to side gallery home
 - d. brick to match home
 - e. pilasters at intervals
 - f. gate to be installed at driveway
 1. gate to be determined at later date

STAFF ANALYSIS

The proposed new residence seeks to emulate side gallery homes which can be found throughout the southern, coastal communities in the nineteenth century. While few examples of this style remain in Mobile, the review board has in the past approved such contemporary renditions. As such, the style, massing and form are all appropriate for a historic district. Staff does have a concern about the window arrangement on the east elevation and the use of the arched window. The applicants intend to use materials routinely approved for new construction, including vinyl-clad wood windows. Therefore, Staff recommends approval upon Board consideration of the east elevation.

Under the zoning code and the historic district guidelines, solid walls in front yards must be kept to 3'. The proposed wall may require a variance. Though the Board has on occasion approved side yard walls, it has made it a policy that tall fences, in particular solid fences or walls are not allowed in front yards or along street frontages where they will box in the street. Therefore, Staff does not recommend approval for the proposed masonry wall.

PUBLIC TESTIMONY

Douglas Kearley was present to discuss the application. Tilmon Brown inquired about the color of the brick. The applicant stated that the owners had not yet decided. The applicant agreed to submit the color of the brick and mortar to the Staff for review once the owners made a selection. Craig Roberts indicated the design of the east elevation was appropriate. There was no further discussion concerning the east elevation. The applicant discussed the fact that 6', front yard walls had been approved by the Board in the past. The Board noted that there had been so many requests for 6' walls and fences along the rights of way that the neighborhoods were losing their traditional character. The Board discussed the need to keep the historic district streetscapes open, as they were traditionally, and pedestrian friendly. The applicant agreed to withdraw the application for the wall at this time.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony.

FINDING OF FACT

Bunky Ralph 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) and C(2) to state that the applicant would submit the brick and mortar selection to the Staff for review and deleting fact C(3). The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Bunky Ralph 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: 1/21/10

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

010-09-CA: 1306 Dauphin Street
Applicant: Regina Finnegan
Received: 01/05/09
Meeting: 01/21/09

INTRODUCTION TO THE APPLICATION

Historic District: Old Dauphin Way
Classification: Contributing Property
Zoning: R-1
Project: Fence
Conflict of Interest: Jim Wagoner and Tilmon Brown disclosed that they serve on a committee with the applicant, but do not believe that there is a conflict.

BUILDING HISTORY

This two-story Italianate home was constructed by Duncan T. Parker in 1871. The size of the lot reflects the early transition of this part of Mobile from country estates to townhomes, when this lot was carved from the Chamberlain estate. The Chamberlain home faced North Ann Street, approximately where the Mauvila Court apartments are now located.

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 are seeking approval for a new 8’ privacy fence along their rear, east property line. The applicants are also seeking approval for an iron fence and 5’ wood privacy fence along the front east property line.
- B. The Mobile Historic Guidelines, state, in pertinent part:
 - 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. The finished side of the fence should face toward public view.”
- C. Applicants propose:
 - 1. 8’ privacy fence, dog-eared, along the rear, east property line;
 - 2. aluminum fence to match existing along the front, east property line to the front plane of the home;
 - 3. 5’ wood privacy fence to match existing along east property line from iron fence to existing 5’ fence to match existing, per submitted plan.

STAFF ANALYSIS

Because the applicant's property is adjacent to an apartment building, the applicants are permitted to construct an 8' fence. Furthermore, since the Board routinely approves 6' privacy fences for side yards, the applicants may construct a 5' wood privacy fence along the east property line. Finally, the applicants intend to match an existing aluminum fence in the front yard along the east front yard boundary. This new fence will tie in with the existing aluminum fence which was approved at an earlier date. For these reasons, the application complies with the applicable guidelines. Therefore, Staff recommends approval.

PUBLIC TESTIMONY

Patrick Finnegan was present to discuss the application. The Staff and Mr. Finnegan clarified that the 5' wood fence along the east property line tie into the new, proposed aluminum fence at the front plane of the house and extend to the north to meet an existing 5' privacy fence.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony.

FINDING OF FACT

Bunky Ralph 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

Bunky Ralph 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: 1/21/10