

ARCHITECTURAL REVIEW BOARD AGENDA
January 2, 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, Kim Harden, Carolyn Hasser, Nick Holmes III, Thomas Karwinski, Harris Oswalt, Craig Roberts, and Jim Wagoner.
Members Absent: Gertrude Baker, Carlos Gant, Bradford Ladd, and Janetta Whitt-Mitchell.
Staff Members Present: Devereaux Bemis, Cart Blackwell, and John Lawler.
2. Mr. Karwinski moved to approve the minutes of the December 19, 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: American Contracting**
 - a. Property Address: 1162 New Saint Francis Street
 - b. Date of Approval: 12/12/12
 - c. Project: Reroof with 50 squares and repair any rotten rafters, charcoal gray.
2. **Applicant: Chris Bailey**
 - a. Property Address: 255 Adams Street
 - b. Date of Approval: 12/13/12
 - c. Project: Install 4 foot high aluminum fence per the submitted plans. Double gate on east side of house in line with front of house and fence to extend to front of fence surrounding pool. The fence will be painted black.
3. **Applicant: Michael Lord**
 - a. Property Address: 1352 Old Shell Road
 - b. Date of Approval: 12/19/12
 - c. Project: Repair windows to match the original in profile, dimension and materials.
1. **Applicant: Pura Vida Ventures**
 - a. Property Address: 454 South Broad Street
 - b. Date of Approval: 12/19/12
 - c. Project: Demolish the fire gutted remains of a house. This staff level approval was authorized by the Architectural Review Board on 19 December 2012. Debris will be removed, the site will be leveled, and sod will be planted.

B. APPLICATIONS

1. **2014-01-CA: 1114 ½ Dauphin Street**
 - a. Applicant: LTS Development for Mr. Mayer Perloff
 - b. Project: Demolition – Demolish an ancillary building.
APPROVED. CERTIFIED RECORD ATTACHED.
2. **2015-02-CA: 261 South Georgia Avenue**
 - a. Applicant: Lucy Barr with Lucy Barr Designs for Nicole Youell and Spencer Johnson
 - b. Project: Alterations – Heighten a side gable and alter façade fenestration.

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

3. 2016-03-CA: 50-52 South Georgia Avenue

- a. Applicant: Jennifer Bexley for WB, LLC
- b. Project: After-the-Fact-Approval – Retain front doors.

WITHDRAWN AND HELDOVER AT THE REQUEST OF THE APPLICANT. CERTIFIED RECORD ATTACHED.

4. 2016-04-CA: 26 North Royal Street

- a. Applicant: Carrie Day and Tracy Bassett with Goodwyn, Mills and Cawood for the the Retirement Systems of Alabama (RSA)
- b. Project: Fenestration – Replace windows.

APPROVED. CERTIFIED RECORD ATTACHED.

D. OTHER BUSINESS

- 1. Mr. Holmes informed the Board of the tornado-related damage at Murphy High School.
- 2. Mr. Bemis informed the Board that Steve Stone would be replacing Carlos Gant on the Board.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

2013-01-CA: 1114 ½ Dauphin Street
Applicant: LTS Development for Mr. Mayer Perloff
Received: 12/18/12
Meeting: 1/02/12

INTRODUCTION TO THE APPLICATION

Historic District: Old Dauphin Way
Classification: Contributing (Main Dwelling)
Zoning: R-1
Project: Demolition – Demolish an ancillary building.

BUILDING HISTORY

This property features one-story Craftsman-like “bungalow” dating from the 1920s and a two-story garage apartment dating from 1955.

STANDARD OF REVIEW

Section 9 of the Preservation Ordinance states “the Board shall not approve any application proposing a Material Change in Appearance unless it finds the change...will not materially impair the architectural or historic value of the building, the buildings on adjacent sites or in the immediate vicinity, or the general visual character of the district...”

STAFF REPORT

- A. This property was last up for review on January 9, 1985. At that time the Old Dauphin Way Review Board approved a free-standing sign. The application presented before the Board calls for the demolition of an ancillary building.
- 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;
 - 1. This two-story garage apartment located within the Old Dauphin Way Historic District stands behind a contributing residential building. The garage apartment was constructed in 1955. The structure has been added over the course of the past half century.
 - ii. The importance of the structures to the integrity of the historic district, the immediate vicinity, an area, or relationship to other structures;
 - 1. During the 1940s and 1950s many garage apartments were constructed in the area between downtown and Spring Hill. These buildings provided

shelter for an increasing mobile war time and then baby boom population.

- iii. The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;
 1. The building materials are capable of being reproduced.
- iv. 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. Garage apartments of this period and style are found across the United States. Several examples are located on the subject property's block.
- v. 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. If granted demolition approval, the applicants would salvage the few remaining materials from the building, demolish the building, level the site, and plant grass.
- vi. The date the owner acquired the property, purchase price, and condition on date of acquisition;
 1. None given. Calls made by Staff were not picked up.
- vii. The number and types of adaptive uses of the property considered by the owner;
 1. After examining the costs of reconstructing the second floor, the applicant did not consider any other alternatives with regard to repairing the ancillary building.
- viii. Whether the property has been listed for sale, prices asked and offers received, if any;
 1. The larger property has not been listed for sale.
- ix. 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. Not applicable.
- x. Replacement construction plans for the property in question and amounts expended upon such plans, and the dates of such expenditures;
 1. Not given.
- xi. 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
 1. Application submitted.
- xii. 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 application):

1. Demolish a garage apartment.
2. Salvage any usable materials.
3. Remove the debris.
4. Level the lot.
5. Plant sod.

STAFF ANALYSIS

This application involves the demolition of an ancillary building. When reviewing demolition applications, the following criteria are taken into account: the architectural significance of the building; the physical condition of the building; the impact the demolition will have on the historic district; and the nature of any proposed redevelopment.

The building proposed for demolition is a garage apartment. The two-story structure was constructed in 1955. With regard to materials and construction, the building is representative of many similar ancillary structures located across the country. Several examples can be found on the subject property's block.

A recent fire gutted the interior and the structure of the ancillary building. The building materials are capable of being reproduced. The damage was extensive.

Located to the rear of the principle residence, the fire-damaged garage apartment is partially visible from the street, but not a vital component of the streetscape. Though constructed over fifty years ago, the building is not of the same construction quality and architectural distinction as the contributing residential building located on the property.

If granted demolition approval, the applicants would demolish the fire damaged building, remove any debris, level the site, and plant sod.

STAFF RECOMMENDATION

Based on B (1-2), Staff does not believe the demolition of the property's garage apartment would impair the architectural or the historical character of the property or the district. Staff recommends approval of the application.

PUBLIC TESTIMONY

No one was present to discuss the application.

BOARD DISCUSSION

Mr. Karwinski asked Mr. Blackwell if the owner intended to demolish the whole garage or only the two-story portion. Mr. Blackwell responded by saying that the applicant intended to demolish the whole building.

No further Board discussion ensued.

No one from the audience spoke in favor or in opposition to the application.

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: 1/2/14

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

2013-02-CA: 261 South Georgia Avenue
Applicant: Lucy Barr for Nicole Youell and Spencer Johnson
Received: 12/17/12
Meeting: 1/2/13

INTRODUCTION TO THE APPLICATION

Historic District: Oakleigh Garden
Classification: Contributing
Zoning: R-1
Project: Alterations - heighten a side gable and alter fenestration.

BUILDING HISTORY

This Arts and Crafts inspired “bungalow” was completed in 1913.

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 heightening of a side gable and the alteration of front elevation fenestration.
- B. The Secretary of the Interior’s 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 but 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.”
 - 3. “A roof is one of the most dominant features of a building. Original or historic roof forms, as well as the original pitch of the roof should be maintained. Materials should be appropriate to the form and pitch and color.”
 - 4. “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.”
 - 5. “Where windows cannot be repaired, new windows must be compatible to the existing. The size and placement of new windows for additions and alterations should be compatible with the general character of the building.”
- C. **Scope of Work (per submitted site plan):**
 - 1. Heighten the North (Side) Elevation’s gable.

- a. The heightened side gable will not rise above the height of the residence's principle east-west gable roof.
 - b. Taking the form of a wall dormer, the heightened dormer will feature a frieze like band of boarding located between the lower and upper story floors.
 - c. The gable's siding will match that employed on the house.
 - d. The existing roof pitch will be replicated.
 - e. Eave brackets will either be salvaged and reinstalled or replicated to match the existing.
 - f. The raked fascia board will match the existing.
 - g. The gable will feature a six-over-one wooden window matching those found elsewhere on the house.
2. Alter fenestration on the façade.
 - a. Remove the house's existing casement windows.
 - b. Install full-length casement windows.

STAFF ANALYSIS

This application involves the heightening of a side gable and the alteration of fenestration located on the façade.

The gable proposed for heightening is located on the house's North Elevation. Located on the northeast corner of South Georgia Avenue and Texas Street, the North Elevation is an inner lot elevation. Visible from, but not facing the street, the existing projecting gable would be heightened. While the Design Review Guidelines for Mobile's Historic Districts state that historic roof forms and pitches should be maintained, the Board has approved alterations to side elevation roof constructions (See B-3). The Secretary of the Interior's Standards for Historic Rehabilitation state additions and alterations should be differentiated from yet compatible with the historic fabric (See B-1). A frieze like band would be located between the existing and proposed upper story area. The provision of this visual break would allow the addition to "read" as a later alteration. Matching siding, window types, eave brackets, roof brackets, and roofing shingles will be provide a sense of continuity between the old and the new.

The façade features half-length casement windows. The application calls for full-length casement windows of the same design. With regard to fenestration, the Design Review Guidelines for Mobile's Historic Districts state that 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 (See B-4). In addition, the Board does not normally allow changes to the facades of buildings.

STAFF RECOMMENDATION

Staff recommends approval in part and denial in part.

Based on B (1-3), Staff does not believe the heightening of the side gable would impair the architectural and historical character of the building. Staff recommends approval of that portion of the application.

Based on B (4-5), Staff does believe the alteration of the façade's fenestration would impair the architectural and the historical character of the building. Staff does not recommend approval of that portion of the application.

PUBLIC TESTIMONY

Lucy Barr and Spencer Johnson were present to discuss the application.

BOARD DISCUSSION

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed the applicant and his representative. He asked Ms. Barr if she had any comments to make, questions to ask, or clarifications to address.

Ms. Barr thanked Mr. Oswalt. She responded to his query by answering that while she did not have additional comments regarding the heightening of the gable, she did want to clarify that the applicant proposes altering the façade's upper story windows not the lower story windows. Ms. Barr went on to explain why the applicants wanted to enlarge to the windows. Stating that this upper story space would be used for expanded living quarters, she said that egress requirements would have to be addressed thus the proposed changes to the window.

Mr. Roberts asked Ms. Barr if she had a drawing of the proposed alteration. Ms. Barr said that while she did not have a drawing of the whole façade, she did have a drawing of the proposed window which would be enlarged within it. Mr. Roberts asked Ms. Barr how much taller the windows would be. Ms. Barr clarified Mr. Roberts query bay saying that the proposed window would be a third larger than the existing window.

Mr. Holmes asked Ms. Barr if the height of the window sill would remain the same. A discussion ensued as to code-related requirements.

Mr. Roberts suggested to Ms. Barr that she return to the Board with a drawing showing how the proposed window would impact the façade.

Ms. Harden asked Ms. Barr if the width of the windows would remain the same. Ms. Barr answered yes.

Further Board discussion ensued as to the proposed plan of the interior.

Mr. Oswalt asked if there was anyone from the audience who wished to speak either in favor or in opposition to the application. Upon hearing no response, Mr. Oswalt closed the period of public comment.

No further Board 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 as written.

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 portion of the application calling for the heightening of the gable 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.

Mr. Roberts moved that, based upon the facts as amended by the Board, the portion of the application calling for the alteration of the windows does impair the historic integrity of the district or the building and that a Certificate of Appropriateness not be issued on account of lack of information.

Certificate of Appropriateness Expiration Date: 1/2/14

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

2013-03-CA: 50-52 S North Georgia Avenue
Applicant: Jennifer Bexley
Received: 12/10/12
Meeting: 1/2/13

INTRODUCTION TO THE APPLICATION

Historic District: Old Dauphin Way
Classification: Non-Contributing
Zoning: R-1
Project: After-the-Fact-Approval – Retain two doors.

BUILDING HISTORY

This brick duplex was constructed in 1937.

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 after-the-fact-approval of two doors. The doors were installed without the issuance of Certificate of Appropriateness. A 311 call was made and Staff responded. The applicants appear before the Board with a request to retain the doors.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
 - 1. “Often one of the most important decorative features of a house, doorways reflect the age and style of a building. Original doors and openings should be retained along with any moldings, transoms or sidelights. Replacements should respect the age and style of the building.”
 - 2. With regard to materials, metal is listed as inappropriate.
- C. Scope of Work (per submitted site plan):
 - 1. Retain two metal doors located on the duplex’s west-facing façade.

STAFF ANALYSIS

This application involves the after-the-fact-approval of two doors. The doors were installed without the issuance of a Certificate of Appropriateness. The Design Review Guidelines for Mobile’s Historic Districts state that original doors should be retained and that replacement doors should respect the age and style of the building (See B-1).The wooden doors featured a chamfered vertical treatment and a staggered light treatment. The replacement doors are metal in composition. The Design Review Guidelines list metal as an inappropriate material. (See B-2). Staff recommends that the applicant install doors that are

more in keeping the historic character of the building, one that if the area were resurveyed would be listed as a contributing structure.

STAFF RECOMMENDATION

Based on B (1-2), Staff believes this application impairs the architectural and historical character of the district. Staff does not recommend approval of this application.

PUBLIC TESTIMONY

No was present to discuss the application.

BOARD DISCUSSION

Mr. Blackwell informed the Board that the applicant had withdrawn the application from today's meeting and requested that it be heldover until the next meeting.

WITHDRAWN AND HELDOVER.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

2013-04-CA: 26 North Royal Street
Applicant: Tracy Bassett and Carrie Day with Goodwyn, Mills & Cawood for the Retirement Systems of Alabama
Received: 12/7/12
Meeting: 3/2/12

INTRODUCTION TO THE APPLICATION

Historic District: Lower Dauphin Commercial
Classification: Contributing
Zoning: B-4
Project: Fenestration – Replace windows.

BUILDING HISTORY

The Battle House has occupied this site since 1851. The originally 1850s buildings by Isaiah Rogers burned in 1905. The present building was constructed between 1906 and 1908. Designed by Frank M. Andrews, the construction and decoration of the building cost \$1,500,000. The reconstructed Battle House Hotel joined the Bienville Hotel (1900) and the Cawthon Hotel (1906) in affording visitors to the last words in luxury and comfort.

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 July 2, 2004. At that time, the Board approved the construction the building’s rear annex. The application up for review calls for the wholesale replacement of the building’s wood windows with clad wood windows.
- B. The Secretary of the Interior’s Standards for Historic Rehabilitation Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
 - 1. “Deteriorated historic 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 other visual qualities and where possible materials.”
 - 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. “Where windows cannot be repaired, new windows must be compatible to the existing. The size and placement of new windows for additions and alterations should be compatible with the general character of the building.”

C. Scope of Work:

1. Remove all existing wooden windows units.
2. Replace the aforementioned windows with aluminum-clad wooden windows.
 - a. The light configuration will remain the same.
 - b. Moldings and casings will match the existing.

STAFF ANALYSIS

This application involves the removal of historic wooden windows and later replacement wooden windows and their replacement with aluminum-clad wooden windows. The Secretary of the Interior's Standards for Historic Rehabilitation calls for repair as opposed to the replacement of historic fabric. In cases where historic fabric has deteriorated beyond repair, the Secretary of the Interior's Standards require that replacements match the old in design, color, texture other visual qualities and where possible materials (See B-1). The Design Review Guidelines for Mobile's Historic Districts state that original window openings should be retained as well as original window sashes and glazing. In cases where windows cannot be repaired, new windows must be compatible to the existing (See B-2 and B-3).

It is difficult to understand how all the windows in the newly renovated building are completely rotten. It is the policy of the ARB that windows should be repaired rather than replaced where possible. The fenestration in the building is rather extensive and the removal of the windows would result in a large percentage of historic fabric being removed from the building. Considering the building has managed to survive over a hundred years with its historic windows, staff suggests the owners consult with an engineer to discover the cause of the deterioration and that it be fixed.

STAFF RECOMMENDATION

Based on B (1-3), Staff believes this application will impair the architectural and historical character of the building and the district. Staff does not recommend approval of the application.

PUBLIC TESTIMONY

Jim Walker with Goodwyn, Mills and Cawood and Martin Patrick with Blue Water Construction were present to discuss the application.

BOARD DISCUSSION

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed the applicant's representatives. He asked Mr. Walker and Mr. Patrick if they had any comments to make, clarifications to address, or questions to ask.

Mr. Walker addressed the Board. He explained that while he understood the Secretary of the Interior's Standards encouraged the repair of historic wooden windows as opposed to replacement, the RSA would like to replace the Battle House's windows. Mr. Walker explained to the Board that most of the 2004 replacement windows had deteriorated. He stated that motivation behind the application was twofold: 1.) interior comfort of guests and 2.) code-related concerns involving the safety. With regard to the latter, Mr. Walker told the Board that the project would have to be reviewed by the State's Building Committee.

Mr. Roberts asked for clarification as to which windows were deteriorated – only the 2004 or other windows. Mr. Walker answered that the aforementioned replacement windows, surviving original windows, and earlier replacement windows had deteriorated.

Mr. Oswalt asked if a survey had been conducted of all the windows.

Mr. Patrick answered yes. He told the Board that original, earlier replacement, and later replacement windows all showed signs of deterioration and disrepair. Reminding the Board that the Battle House is over a hundred years old, he explained some issues affecting the various window installations. From slipping panes to structural failure, Mr. Patrick stated that problems were many. He told the Board that replacement windows would recapture aesthetic appeal for the exterior and raise comfort levels for the interior. Mr. Patrick said that the light configurations and moldings would match the existing.

Mr. Roberts said that he was interested in knowing the number of windows that would be replaced. He elaborated by saying that the overall project was a major historic intervention for Mobile.

Mr. Roberts asked Staff how other preservation organizations have responded to similar applications.

Mr. Blackwell told the Board that Staff had contacted the National Trust's Southeast Regional Office in Charleston, South Carolina. He stated that the Regional Office directed him to the National Trust's Preservation Forum in Washington, D.C. Mr. Blackwell said that although he contacted the Preservation Forum three weeks ago, that he had just received an email from the Forum's administrator today. The email stated that the issue of window replacement was a concern facing preservation boards nationwide and that each application should be reviewed on a case by case basis. The administrator recommended contacting the Alabama Historical Commission and the Alabama Trust for Historic Preservation. Mr. Blackwell said that it was his understanding that the Alabama Trust had taken a stance on repair as opposed to replacement. He said that when addressing multi-story buildings such as the Battle House. New York, Chicago, and other cities with more built density had allowed upper story windows to be replaced.

Mr. Bemis addressed the Board. He stated that when the restoration of the Battle House began, the initial application called for the replacement of all of the windows. He said that the wholesale replacement of the windows had been and remains an issue. Mr. Bemis recommended that the applicants provide a schedule for all windows indicating the damage affecting each unit.

Mr. Karwinski asked if the existing windows were impact resistant. Mr. Patrick answered no. Mr. Karwinski asked if the proposed windows would be impact resistant. Mr. Patrick answered yes. Mr. Karwinski then asked if the window spacers could be white. Mr. Patrick explained that spacers come in many colors and that the proposed spacers would match the colors of the window muntins and frames. Pointing out that the color of the light court's windows differs from the colors of those located on the street frontages, he said the color of the spacers would reflect the muntins as respective of their specific locations.

Mr. Roberts said that he assumed the proposed windows would feature both interior and exterior muntins. Mr. Patrick answered yes.

Mr. Karwinski asked what brand would be employed.

Mr. Walker addressed Mr. Karwinski's query.

Mr. Karwinski addressed his fellow Board members, Staff, and the applicant's representatives by saying that he thought the proposal was a good one. He said that by retaining the larger, and more visible lower-story windows (those located below the first cornice line), the appearance would remain the same. Mr.

Karwinski also noted that the windows would be impact resistant therefore better able to weather the storms.

Mr. Holmes addressed his fellow Board members. First he stated that the Alabama Building Commission had made Holmes and Holmes go to the extreme during their 1980s restoration of the State Capitol in Montgomery. The firm had to install windows that meet federal standards. Secondly, he said that Marvin replacement windows had been accepted by the National Parks Service on numerous occasions when said windows have replicated the appearance of the original windows. Mr. Holmes added that he had contacted the Alabama Historical Commission with regard to applications of this type and was informed that they addressed them on a case by case basis. He cited a relevant portion of the Secretary of the Interior's Standards which states that:

If using the same kind of material is not technically or economically feasible when replacing windows deteriorated beyond repair, then a compatible substitute material may be considered. For example, on certain types of large buildings, particularly high-rises, aluminum windows may be a suitable replacement for historic wooden sash provided wooden replacement are not practical and the design detail of the historic window can be matched.

Mr. Holmes said that in approving the proposed windows, the Board would be following an accepted standard.

Mr. Walker told the Board that the major problem was access for the height of the building made repairs difficult and dangerous.

Mr. Barr stated that he was disappointed that the submission did not include literature regarding the repair of the windows.

Ms. Hardin addressed the applicant's representatives. She said that she had several questions. First, she asked how the windows would be framed. Mr. Patrick explained that extruded applied casings would match the profiles of the original design. Ms. Hardin then asked Mr. Patrick how the muntins would be treated. A discussion ensued. Mr. Patrick said that the original muntin profiles and dimensions could be replicated.

Ms. Hardin stated that replicating the original muntins was preferable to replicating the later replacements. She recommended to the applicant's representatives that they conduct a window schedule that records the issues affecting each window.

Mr. Holmes reminded his fellow Board members, Staff, and the applicant's representatives that code-related concerns had to be met first. He said that he did not understand how the windows were allowed to remain in place during the most recent restoration. Referencing the Code, Mr. Holmes said that all windows above the second-story had to be wind resistant in order to be in compliance.

Mr. Roberts concurred with Mr. Holmes.

Mr. Bemis addressed the Board. He said that as he recalled, when the Battle House was most recently restored, that an exemption had been granted that allowed for the retention of the windows. Mr. Holmes said that he was unaware that one had been granted. He said that a variance had not been granted for the State Capitol. Mr. Bemis said that if he recalled correctly, a variance had been granted for the Battle House on account of the number of the windows and occupied space on the building's elevations. Mr. Holmes said he would be surprised if a variance had been granted.

Mr. Bemis said that while this state owned property is not subject to local codes, only state codes, the property is still subject to Review Board jurisdiction.

Mr. Roberts voiced his support of the application. He said that if the National Parks Service had approved similar applications elsewhere that it also was acceptable for this property. He added that in approving this application the building would be made more secure and continue to be in use; therefore preserving it for future generations.

Mr. Bemis disagreed with the means to the end.

Mr. Roberts said that the Board should be realistic. He reiterated that the National Parks Service had approved similar projects.

Mr. Holmes reiterated the National Park Service's exception for multi-story buildings. He said that by approving this project the Board would be following an accepted policy of the Nation's most authoritative preservation body.

Mr. Wagoner said that the Board should concentrate on this project and its applicability to future projects in Mobile. Referencing the nearby Van Antwerp Building, a recent purchase of the RSA, he said that the policy adopted on this proposal would impact the rulings on similar applications.

Mr. Bemis said that the Admiral Semmes had made a similar application in times past which had been denied.

Mr. Karwinski stated that the continued use of the building and the retentions of design forms would ensure the building's preservation for future generations. He said that in retaining the windows of the lower two floors the visual impact would remain the same and that the design of the replacement windows would match the originals.

Mr. Holmes cited several examples of how the retention of historic forms and elements had kept abreast with the times. He first cited Barton Academy by noting that its original wooden colonettes had been reproduced in aluminum thereby allowing for structural security, aesthetic appeal, and historical continuity. Mr. Holmes then cited the column capitals on the Capitol Buildings. He said that the original wooden capitals had been replaced during an early 20th-Century restoration by terracotta capitals. In the most recent 1980s restoration, aluminum capitals had been employed. Mr. Holmes reiterated the historical precedent and preservation-mindedness of employing modern solutions aimed at maintaining historic forms.

FINDING OF FACT

Mr. Karwinski 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 amended by the Board, the application does not impair the historic integrity of the district or the building on account of National Park Service authorized allowances that take into account the height of tall buildings; and that a Certificate of Appropriateness be issued.

Mr. Oswalt, Mr. Barr, and Ms. Hardin voted in opposition.

Certificate of Appropriateness Expiration Date: 1/2/14