

ARCHITECTURAL REVIEW BOARD MINUTES

June 17, 2009 – 3:00 P.M.

Pre-Council Chambers, Mobile Government Plaza, 205 Government Street

A. CALL TO ORDER

1. The Chair, Jim Wagoner, called the meeting to order at 3:00. Gertrude Baker, Bill James, Tom Karwinski, Bradford Ladd, Harris Oswald, and Craig Roberts were in attendance.
2. Mr. Oswald moved to approve the minutes of the June 3, 2009 meeting. The motion passed unanimously.
3. Tom Karwinski moved to approve the mid month COAs granted by Staff. The motion passed unanimously.

B. MID MONTH APPROVALS: APPROVED

1. **Applicant: La-Tanya Williams**
 - a. Property Address: 162 South Jefferson St.
 - b. Date of Approval: 05/29/09
 - c. Project: Replace porch decking in kind. Paint house per existing color scheme.
2. **Applicant: Keith Hart**
 - a. Property Address: 16 North Ann St.
 - b. Date of Approval: 05/29/09
 - c. Project: Attach satellite dish toward rear, southern corner of house.
3. **Applicant: Thomas Neese**
 - a. Property Address: 904 Selma St.
 - b. Date of Approval: 06/02/09
 - c. Project: Replace deteriorated siding in kind. Paint body of house Mobile Paints Wedgewood Blue.
4. **Applicant: Sharman Egan**
 - a. Property Address: 109 Chatham St.
 - b. Date of Approval: 06/02/09
 - c. Project: Repaint house per existing color scheme.
5. **Applicant: Jean Lankford for Gene Poll**
 - a. Property Address: 508 Monroe St.
 - b. Date of Approval: 06/02/09
 - Project: Paint house per submitted Benjamin Moore color scheme Paint body Luminary Yellow. Paint trim Atrium White. Paint doors, decking, and detailing Butte Rock.
6. **Applicant: Melyssa Nixon**
 - a. Property Address: 1556 Monterey St.
 - b. Date of Approval: 06/03/09
 - c. Project: Paint house following colors to match existing Devoe Paints colors scheme, body – Meteor and trim whit. Repair upper porch deck and reroof port-cochere, work to match existing. Repair column bases.
7. **Applicant: Tom Gardener**
 - a. Property Address: 8 Semmes Ave.
 - b. Date of Approval: 06/04/09
 - c. Project: Repaint house per existing color scheme. Replace existing roof with GAF architectural shingles, charcoal in color. Repair eaves, work to match existing in profile, dimension, scale, and material. Repoint chimneys with lime based mortar.
8. **Applicant: Barry McPhail**
 - a. Property Address: 60 S. Georgia St.
 - b. Date of Approval: 06/04/09

- c. Project: Repaint house. Body is to be brown. Door is to be Nesting Dove. Trim is to be Fencepost.

C. APPLICATIONS

- 1. 057-09: 1655 McGill Ave.
 - a. Applicant: Melissa H. Ishee for the Little Sisters of the Poor
 - b. Project: Relocate storage units.

WITHDRAWN.
- 2. 058-09: 165 Hannon St.
 - a. Applicant: Mark and Pam Dotson
 - b. Project: Install brick patio and wood pergola.

APPROVED. CERTIFIED RECORD ATTACHED.
- 3. 059-09: 30 Lee St.
 - a. Applicant: Bruce Alverson for Dauphin Way United Methodist Church
 - b. Project: Demolition.

APPROVED. CERTIFIED RECORD ATTACHED.
- 4. 060-09: 256 Cedar St.
 - a. Applicant: Warren and Jacquelyn Carmichael
 - b. Project: Fence Approval.

APPROVED AS AMENED. CERTIFIED RECORD ATTACHED.
- 5. 061-09: 101 Dauphin St.
 - a. Applicant:
 - b. Project: Install an awning.

APPROVED. CERTIFIED RECORD ATTACHED.

D. OTHER BUSINESS

- 1. 412 B. Dauphin Street
- 2. Guidelines

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

WITHDRAWN

057-09-CA: 1655 McGill Avenue
Applicant: Melissa H. Ishee for the Little Sisters of the Poor
Received: 05/20/09
Meeting: 06/17/09

INTRODUCTION TO THE APPLICATION

Historic District: Old Dauphin Way
Classification: Non-Contributing
Zoning: R-1
Project: Relocate two existing storage units. Fencing Approval.

BUILDING HISTORY

This is a modern building that replaced a historic facility.

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 Sacred Heart Residence occupies the city block bound by South Monterey Street, Conti Street, Hannon Avenue, and McGill Avenue. The property last appeared before the Board on September 3, 2009. The applicant’s submitted an expansion plan. The new construction, which is to be located at the northwest corner of the site, was approved.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
 - 1. Fencing “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.”
 - 2. “The height of solid fencing in historic districts is generally restricted to six feet, if a commercial or multi-family housing adjoins the subject property, an eight foot fence may be considered.”
 - 3. “All variances required by the Board of Adjustment must be obtained prior to issuance of a Certificate of Appropriateness.”
- C. Scope of Work:
 - 1. Relocate two 12’ x 20’ storage buildings from west side of complex to south of main building. (from the southwest side of the main building to the eastern half of the south elevation.)
 - a. The units are currently visible but located a substantial distance from the streets.
 - b. The units would be located to the rear of the building facing Conti Street.
 - b. The new location would place the units to within **** feet of Conti making them highly visible.
 - c. The units are prefab metal buildings with long low gables to the front.

- c. the proposed relocation abuts the employee entrance, service entrance and utility units, but lies outside chain-link fencing enclosing this portion of the property.
 - d. There is no record of the units being approved for the site.
2. Relocate existing and extend chain link fence around southern portion of main building (per submitted plan)
 - a. Fence will extend from the main building to the sidewalk where it will connect to the existing fence.
 - b. the existing chain link fence will be extended to surround the proposed relocated storage units.
 - c. The applicants have received from the Tree Commission approval to remove six trees, four Crepe Myrtle and two Oaks, from the proposed site.
 - d. A vacant lot and lot with recessed privacy fencing are located on the opposite side of Conti Street.

STAFF ANALYSIS

The Guidelines for Mobile's Historic Districts list chain-link as inappropriate fencing material. The Board has denied requests for relocating and reusing chain-link fencing in recent applications (Alabama School for Math and Science and St. Mary's). While the utility units would be located in a more utilitarian section of the complex, the storage units would be located directly adjacent to Conti Street thus impairing the integrity of the streetscape and the district. Staff therefore recommends that this application be denied.

PUBLIC TESTIMONY

Melissa Ishee, Trey Hart and Sister Mother Paul were present to discuss the application. Ms. Ishee explained that the storage units would still be located some distance from the street if they were allowed to be relocated. Sister Mother Paul informed the Board that the relocation of the units would enhance the complex and the district. The fence she said need only be bumped out toward the sidewalk. The Mother Sister also noted that the MAWSS waste pump stood opposite the proposed site. Mr. Hart asked if a privacy fence would be acceptable. Mr. Hart withdrew the application and indicated they would be resubmitting a plan which included a privacy fence rather than chain link.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony. Ms. Baker asked the applicants about the netting covering the existing fencing. Sister Mother Paul told the Board that the netting was a plastic component which weaves in and out of the links. Mr. Roberts informed the Board and the applicants that this submission, the reuse of an inappropriate fencing material, went against the principles set forth by the Guidelines. He stressed the importance of updating the Guidelines thereby bringing all regulations up to today's standards. Mr. Roberts suggested that the applicants reexamine the current Guidelines and meet with Staff regarding their plans. The Board informed the applicants that any request regarding a fence enclosure that close to Conti Street would require a variance from the Board of Adjustment.

WITHDRAWN

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

058-09-CA: 165 Hannon Avenue
Applicant: Mark and Pam Dodson
Received: 05/29/09
Meeting: 06/17/09

INTRODUCTION TO THE APPLICATION

Historic District: Old Dauphin Way
Classification: Contributing
Zoning: R-1
Project: Install a brick patio. Construct a wood pergola.

BUILDING HISTORY

This Colonial Revival house was built between 1945 and 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 application involves the construction of an ancillary structure. Initial work on the proposed pergola commenced without ARB approval. A Stop Work Order was issued on May 22, 2009.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
 - 1. “The appropriateness of accessory structures shall be measured by the guidelines applicable for new construction.”
 - 2. “The structure should complement the design and the scale of the main building.”
- C. Scope of Work (Per submitted plan):
 - 1. Construct a brick patio in the shape of two interlocking 22’ circles.
 - 2. The patio is to be located on the front lawn of the house to the south of the main block of the building.
 - 3. Construct a wood pergola over easternmost brick circle.
 - a. Four 8’ posts encased by treatment approximating Tuscan columns would support horizontal beams spanning the pergola.

STAFF ANALYSIS

Houses of this style and date within the geographical confines of the Old Dauphin Way did not have ancillary structures on their front lawns. The size of most lots and the orientation of the houses on the lots precluded their construction. Most ancillary structures were located in plane with or behind the house. They were utilitarian in nature, garages or greenhouses for example.

While the Board approves new ancillary construction for backyards, it ordinarily does not approve such construction in front yards. The proposed pergola, though set back from the street, breaks the rhythm of the streetscape thereby impairs the historical character of the house and the district. Staff therefore recommends that this application be denied.

PUBLIC TESTIMONY

Mark Dodson was present to discuss the application. Mr. Dodson apologized for not obtaining of COA before commencing work on the proposed pergola. He informed the Board that when he and his wife acquired the property ten years previously it was in horrible condition. They removed the aluminum siding, as well as completing other work that recaptured the integrity of the house.

Mr. Dodson told the Board that this proposal evolved from his family's and their neighbor's extensive use their front yard. A swing occupied the site of the proposed pergola. The frequent traffic before and about the swing killed the grass, consequently, when it rained water filled the area. The paved area upon which the pergola sits atop was meant to solve the problem. The pergola superstructure evolved later. He noted that the actual pergola only protrudes one foot beyond the front plan of the house.

Mr. Dodson said he wanted to keep the pergola, but the swing matters more to him and his family. He added that the proposed columns of the pergola mirror the Tuscan columns of the house.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony. Mr. Karwinski asked the applicant if he considered leaving the columns in a natural finish. Mr. Dodson said he was open to painting the columns or staining the columns. Mr. Karwinski cited that the size of the front lot and the recessed wooded location of the pergola, both of which served to mitigate its presence on the streetscape. He added that this house, unlike many of neighbors, lacked a front porch were people might gather. Mr. Wagoner agreed, reiterating the applicant's statement of the familial ambience of the neighborhood.

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. Mr. Karwinski again noted how the location of the pergola, the size of the lot, and the absence of a front porch influenced the Board's decision.

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: 06/17/10

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

059-09-CA: 30 Lee Street
Applicant: Bruce Alverson for Dauphin Way Untied Methodist Church
Received: 06/01/09
Meeting: 06/17/09

INTRODUCTION TO THE APPLICATION

Historic District: Old Dauphin Way
Classification: Non-Contributing
Zoning: R-1
Project: Demolition Request

BUILDING HISTORY

This one-story side gable house with asbestos siding was constructed in 1940.

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. Dauphin Way United Methodist Church acquired this house in 2006. The house last appeared before the Board on October 7, 2007. The Church sought permission to demolish the house and two other houses on Lee Street. The Board denied the application because it determined that three demolitions would have an “adverse impact on the stability of the neighborhood.”
- B. In 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:
 - a. *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;
This building is a non-contributing structure within the Old Dauphin Way Historic District.
 - ii. The importance of the structure to the integrity of the historic district, the immediate vicinity, an area, or relationship to other structures;

1. Though over fifty years old, this building is not significant in the Old Dauphin Way District because it is not representative of the architectural and historical context of the district.
 - iii. The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;
 1. The material components used to construct this house, such as asbestos siding and louvered glass windows were ubiquitous to 1940s and 1950s residential construction.
 - 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. This single story asbestos shingled house with a full-length louvered glass porch is representative of a dominant type of post World War II housing. Numerous examples survive along the Gulf Coast as well as further inland. The few examples in the District are all later infill.
 - 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. The applicants propose planting grass on the site of the demolished house.
- b. *Content of applications.* All applications to demolish or remove a structure in a historic district shall contain the following minimum information:
- i. The date the owner acquired the property, purchase price, and condition on date of acquisition;
 1. The applicants acquired the property in 2006 for \$20,000. At that time, the house was already in an advanced state of decay. Debris fills the interior to the point that the house is inaccessible. As such, the house is a nuisance in the neighborhood.
 - ii. The number and types of adaptive uses of the property considered by the owner;
 1. The applicants propose leaving the property an open green space. They do not propose any form of paving, but the site would be utilized for parking when the Church's parking lots reach full capacity.
 - iii. Whether the property has been listed for sale, prices asked and offers received, if any;
 1. Not applicable.
 - iv. 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.
 - v. Replacement construction plans for the property in question and amounts expended upon such plans, and the dates of such expenditures;
 1. See submitted plans.
 - vi. 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. Cash submitted.
 - vii. Such other information as may reasonably be required by the board.

- c. *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:

1. Demolish house.
2. Landscape site of house (See Submitted Site Plan).

STAFF ANALYSIS

Dauphin Way United Methodist Church’s previous demolition request was denied on account of the number of properties involved and the possibility that the properties might be turned into paved parking lots. Subsequently, two of these properties (both contributing structures in the district) have been sold to a third-party and renovated.

The house at 30 Lee Street is not of historical significance within the context of the District. Given its lack of historical significance and deteriorated state, the house is an unlikely candidate for rehabilitation. Thus, the Church has returned to the Board with a request for one demolition.

As indicated in the Church’s site plan, the congregation plans to leave the lot an open green space. Although the property would not be paved, it would be utilized for additional parking on infrequent occasions. Staff does not believe the demolition of this house would impair the character of the district, but Staff requests that the applicant further develop the Church’s landscape plan to include trees and shrubbery that would be in keeping with district and streetscape. Specifically, Staff requests landscaping along the streetscape and in the interior of the lot. Pending development of the landscape proposal, Staff recommends approval of this application.

PUBLIC TESTIMONY

Bruce Alverson was present to discuss the application.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony. Mr. Wagoner told Mr. Alverson that he applauded the Church’s efforts toward rehabilitating two of the three previous houses they initially proposed for demolition. The Board then discussed the proposed use and landscaping of 30 Lee Street. Staff pointed out possible locations for landscaping, along the streetscape and within the lot. Mr. Roberts asked Mr. Alverson if the Church planned to retain the curb cut or continue curb across the existing drive. Mr. Alverson answered that the plan called for retaining the curb cut. He added that the property would be used for overflow parking only. Mr. Alverson said he would return to Staff with a landscaping proposal.

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, amending fact

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Mr. Oswalt 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: 06/17/10

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

060-09-CA: 256 Cedar Street
Applicant: Warren and Jacquelyn Carmichael
Received: 06/01/09
Meeting: 06/17/09

INTRODUCTION TO THE APPLICATION

Historic District: Church Street East
Classification: Non-contributing
Zoning: R-1
Project: Fencing Approval.

BUILDING HISTORY

This two-story brick residence was built in 1999.

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 Board in October of 2006. The applicants received approval to construct a sunroom. A recent burglary motivated the applicant’s proposal. The burglar entered the property by removing boards from the two fences separating this property from the neighboring property.
- B. The Design Guidelines for Mobile’s downtown commercial buildings, 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.”
 - 2. “The height of solid fences is usually restricted to six feet, however, if a commercial property or multi-family housing adjoins the subject property, an eight foot fence may be considered.”
 - 3. “The finished side of the fence should face toward public view.”
- C. Scope of Work:
 - 1. Remove existing 6’ wood privacy on property
 - 2. Partially demolish neighbor’s 6’ 8” wood privacy
 - 3. Construct a roughly 6’ 8” concrete block wall along south property line.
 - a. fence to extend approximately 65’ along the lot line
 - b. finished side of fence to be stuccoed and then painted to match the house
 - c. fence to tie into existing 6’ wood privacy fence along west property line
 - d. fence cap to be precast CMU without molding

STAFF ANALYSIS

The proposed wall exceeds the 6’ height restriction for solid fencing by eight inches by 8”. The neighboring fence is the same height. Staff does not believe the proposed wall impairs the integrity of the

district, therefore recommends approval pending two conditions. First, the wall's height should be lowered to reflect the height limits for fencing within the historic districts and second, that the proposed wall's outward face should be stuccoed and painted in the same fashion as the inward face.

PUBLIC TESTIMONY

Warren and Jacquelyn Carmichael were present to discuss the application. Mr. and Mrs. Carmichael informed the Board that the existing wood fence belongs to their neighbor. The proposed fence would run parallel to the neighbor's fence. The Carmichaels told the Board that the increased height was a necessity of the proposed fencing material, 8" high concrete blocks. Mr. Carmichael added that proposed fence was not 6' 8" in height, but 6'4" in height.

BOARD DISCUSSION

The board discussion took place concurrently with the public testimony. Mr. Karwinski told the applicants that they could use half blocks for the final wall course below the cap. This final course would reduce the height of the fence to the 6' allowed by Guidelines.

Mr. Lawler told the Board that the applicants have a trial date of June 30th regarding their sun rear sun porch.

FINDING OF FACT

Mr. 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, striking facts C (1) and C (2) from the Scope of Work and on the condition that fence not exceed 6" in height.

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Mr. Oswalt 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: 06/17/10

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
STAFF COMMENTS

061-09-CA: 101 Dauphin Street
Applicant: Tony Dughaish
Received: 05/25/09
Meeting: 06/17/09

INTRODUCTION TO THE APPLICATION

Historic District: Lower Dauphin Commercial
Classification: Contributing
Zoning: B-4
Project: Install an awning.

BUILDING HISTORY

The Van Antwerp Building was built 1906-1908 according to the designs of George B. Rogers. The ten-story building was Mobile's first skyscraper. The three part vertical division of the building demarcated by the commercial ground floor with mezzanine, the office stack above, and the cornice-capped utility floor indicates Roger's awareness of contemporary theories on tall office building design.

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 application concerns fenestration changes to a significant commercial building..
- B. The Design Review Guidelines for Mobile's Historic Districts state, in pertinent part:
 - 1. "Awnings will be reviewed on a case by case basis."
- C. Scope of Work:
 - 1. Construct a welded aluminum awning over the southernmost bay of the east elevation (per submitted plan)
 - a. awning to measure 21' 2" in length and 8' in height
 - b. Black Sunbrella Canvas to cover aluminum frame

CLARIFICATION

- 1. How far will the canopy extend over the sidewalk?
- 2. How will it be installed?

STAFF ANALYSIS

Historical evidence validates this submission. Early photographs indicate that windows filled the upper two-thirds of the tiled area the applicant proposes to cover with an awning. Four retractable awnings once covered the windows. Staff does not believe this application will impair the architectural or historical character of the building or the district. Staff recommends approval pending clarification of the depth of the awning and assurances that the installation will not damage the fabric of the historic building.

PUBLIC TESTIMONY

No one was present to discuss this application.

BOARD DISCUSSION

Mr. James asked Staff about the canvas material. Mr. Ladd asked Staff if there was maximum limit which a canopy or an awning could extend into the right of way. Mr. Bemis informed the Board that a canopy or awning could not extend beyond the sidewalk.

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.

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Mr. Roberts moved that, based upon the facts as amended by the Board, the application does not impair the historic integrity of the district or the building and that a Certificate of Appropriateness be issued, pending clarification the depth of awning and the manner the banner shall be affixed.