

**ARCHITECTURAL REVIEW BOARD MINUTES**  
**June 6, 2012 – 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:** Nick Holmes III, Thomas Karwinski, Andrew Martin, Harris Oswalt, Craig Roberts, Jim Wagoner, and Janetta Whitt-Mitchell.  
**Members Absent:** Gertrude Baker, Carlos Gant, Kim Harden, and Bradford Ladd.  
**Staff Members Present:** Devereaux Bemis, Cart Blackwell, Keri Coumanis, and John Lawler.
2. Mr. Wagoner moved to approve the minutes of the May 2, 2012 meeting. The motion received a second and passed unanimously.
3. Mr. Karwinski asked for clarification regarding several midmonth approvals. Excepting midmonth #6, Mr. Wagoner moved to approve the midmonth COA's granted by Staff..

**B. MID MONTH APPROVALS: APPROVED (WITH THE EXCEPTION OF NUMBER #6)**

1. **Applicant: Kenny D. Po**
  - a. Property Address: 1616 Government Street
  - b. Date of Approval: 4/25/12
  - c. Project: Install a 20 square foot wall sign on the building's façade. The sign will measure 10' in width and 2' in height. The aluminum sign will not employ illumination and will feature the name of the business establishment.
2. **Applicant: Willie Taldon**
  - a. Property Address: 1252 Old Shell Road
  - b. Date of Approval: 4/24/12
  - c. Project: Repaint to match existing color scheme.
3. **Applicant: Rosemarie Williams/ Ralph Williams**
  - a. Property Address: 38 Houston Street
  - b. Date of Approval: 4/25/12
  - c. Project: Replace a missing/damaged fence gate matching the existing in profile dimension and materials.
4. **Applicant: DMDMC**
  - a. Property Address: 261 Dauphin Street
  - b. Date of Approval: 4/25/12
  - c. Project: Replace four windows on the front with new windows, matching the existing in profile, dimension and materials. The windows will be wood, single pane, true divided light with the light pattern matching the existing. Paint to match existing.
5. **Applicant: Melissa Glazner**
  - a. Property Address: 1658 Dauphin Street
  - b. Date of Approval: 4/26/12
  - c. Project: Paint the house per the submitted Sherwin Williams color scheme. The body will be Mindful Gray, the trim will be creamy, and the door & accents will be Gauntlet Gray.

- 6. Applicant: Downtown Mobile Alliance**
  - a. Property Address: 250 Dauphin Street
  - b. Date of Approval: 4/26/12
  - c. Project: Hang a temporary grand opening banner from the building for a three month period.
- 7. Applicant: R. Nichols with Alliance Contracting**
  - a. Property Address: 68 North Reed
  - b. Date of Approval: 4/26/12
  - c. Project: Repair and replace deteriorated woodwork to match the existing in profile, dimension, and material. Repaint per the existing color scheme.
- 8. Applicant: Saralee Lambert**
  - a. Property Address: 1304 Dauphin Street
  - b. Date of Approval: 4/27/12
  - c. Project: Install an eight foot wooden fence along the rear property line.
- 9. Applicant: Thad & Bonnie Philips**
  - a. Property Address: 200 South Georgia Avenue
  - b. Date of Approval: 4/30/12
  - c. Project: Paint an ancillary building the same color scheme as the main residence. Install a section of six foot high, interior lot wooden privacy fencing to match that existing on the property.
- 10. Applicant: ALDOT**
  - a. Property Address: 155 Church Street and 203 Church Street
  - b. Date of Approval: 4/30/12
  - c. Project: Replace metal fencing to match the existing in design and height.
- 11. Applicant: Kay Case**
  - a. Property Address: 109 Macy Place
  - b. Date of Approval: 4/30/12
  - c. Project: Install new 25 year, fiberglass shingle roof, charcoal gray in color.
- 12. Applicant: Karen Simmons for Lightship Partners, LLC**
  - a. Property Address: 360 Dauphin Street
  - b. Date of Approval: 4/30/12
  - c. Project: Remove a chain link fence that extends along the western lot line. Install a six foot high aluminum fence and gate on the location of the aforementioned fence.
- 13. Applicant: Jennifer Hunter**
  - a. Property Address: 1700 Hunter Avenue
  - b. Date of Approval: 5/1/12
  - c. Project: Paint the house Benjamin Moore's Pacific Rim.
- 14. Applicant: Tuan Titlestad for Bay Town Builders**
  - a. Property Address: 352 West Street
  - b. Date of Approval: 5/3/12
  - c. Project: Remove later masonite siding from the front addition of a non-contributing house and install hardiplank siding matching that the profile of wooden siding found on the original portion of the house.
- 15. Applicant: Kevin Buchanon**
  - a. Property Address: 1017 Old Shell Road
  - b. Date of Approval: 5/4/12
  - c. Project: Replace damaged decking and reroof damaged section to match the existing in profile, dimension, and materials.

**16. Applicant: Dharam Pannu**

- a. Property Address: 505 Eslava Street
- b. Date of Approval: 5/4/12
- c. Project: Repair, replace termite damage on eaves to match.

**17. Applicant: Kyle Taylor**

- a. Property Address: 357 Charles Street
- b. Date of Approval: 5/7/12
- c. Project: Install boxed, framed, and suspended foundation screening. The wooden partitions will be located between the supporting piers..

**18. Applicant: David Naman**

- a. Property Address: 224 Dauphin Street
- b. Date of Approval: 5/7/12
- c. Project: Paint the building per the submitted Valspar color scheme. The columns will be Homestead Booth Peach. The upper story will be Montpelier Peach. The trim Homestead Peach Cream. The ironwork will be painted Bellingrath Green. The doors will be re-stained.

**19. Applicant: Karen Simmons for Lightship Partners**

- a. Property Address: 360 Dauphin Street
- b. Date of Approval: 5/8/12
- c. Project: Repair woodwork and stucco to match the existing. Stabilize a stair and repair pipes.

**20. Applicant: Kenbow Roofing**

- a. Property Address: 7 North Jackson Street
- b. Date of Approval: 5/8/12
- c. Project: Redeck a north elevation dormer.

**21. Applicant: Alicia Reding**

- a. Property Address: 104 Hannon Avenue
- b. Date of Approval: 5/8/12
- c. Project: Paint house body Latte (SW 6108), Summer White (SW 7557) trim, Black Fox (SW 7020) foundation.

**22. Applicant: John D. Peebles**

- a. Property Address: 151 South Jefferson Street
- b. Date of Approval: 5/8/12
- c. Project: Install a 4' high traditional woven metal fence around the perimeter of the property (per submitted plan and design).

**23. Applicant: W/H Construction Now**

- a. Property Address: 1651 Dauphin Street
- b. Date of Approval: 5/9/12
- c. Project: Extend an existing fence from rear west property line eastward approximately 20 feet, then turn to meet 3 foot picket fence along rear of house another 22 feet. One pedestrian gate to be installed. Fence to match the existing 6 foot fence.

**24. Applicant: Tom Boucher for Owners**

- a. Property Address: 1357 Old Shell Road
- b. Date of Approval: 5/9/12
- c. Project: Repaint house existing paint colors (white with green trim). No other work is to take place. No removal or alterations have been approved and the owner is instructed to make an application to the Architectural Review Board or another stop work order will be issued.

- 25. Applicant: C Sharpe**
- a. Property Address: 412 Dauphin Street
  - b. Date of Approval: 5/9/12
  - c. Project: Remove and reset two pairs of French doors and 1 fixed window for investigative purposes.
- 26. Applicant: Hallie Brown Builders**
- a. Property Address: 105 South Monterey Street
  - b. Date of Approval: 5/9/12
  - c. Project: Reroof with fiberglass dimensional shingles, black.
- 27. Applicant: Katherine Whiteley**
- a. Property Address: 106 South Catherine Street
  - b. Date of Approval: 5/11/12
  - c. Project: Install fencing. A four foot aluminum fence (per submitted design) will enclose the front lawn. An existing eight foot privacy fence will be extended along the northern lot line. The fence will not extend beyond the front plan of the house.
- 28. Applicant: Hugh Sovik**
- a. Property Address: 113 South Dearborn Street
  - b. Date of Approval: 5/14/12
  - c. Project: Repair/replace rotten wood, repaint to match existing. Place gutter on NW side toward rear, remove concrete pad at rear and sod.
- 29. Applicant: Gwen Weed**
- a. Property Address: 160 Roberts Street
  - b. Date of Approval: 5/15/12
  - c. Project: Repair deteriorated woodwork to match the existing. Paint the house per the submitted BLP color scheme. The body will remain white. The windows frames will be Conti Street Grey Green. The chimney will be Joachim Street Biege. The door will be Kendall Lodge. The dormer faces will be white. The fascias and trim will be Joachim Street Biege, Conti Street Green, or St. Anthony Gray.
- 30. Applicant: Battle House Hotel / RSA**
- a. Property Address: 26 North Royal Street (Sign will be located at 56 Saint Francis Street)
  - b. Date of Approval: 5/16/12
  - c. Project: Install pole sign. The steel pole and its decorative base will be located on the property. The hanging metal sign, which will be suspended from a decorative bracket, will extend over the right of way. Measuring 2' x 3' 6" said sign feature the name of the hotel establishment and its spa. The bottom of the sign will be located 10' above the sidewalk. The sign will require further approval from department of Urban Development.
- 31. Applicant: Ray Williams**
- a. Property Address: 60 Le Moyne Place
  - b. Date of Approval: 5/17/12
  - c. Project: Repair deteriorated woodwork when and where necessary. Prime the house. Paint the house per the submitted color scheme.
- 32. Applicant: Cameron Pfeiffer and Shane Traylor**
- a. Property Address: 204 Michigan Avenue
  - b. Date of Approval: 5/17/12
  - c. Project: Install interior lot fencing. Remove a four foot high, inner lot picket fence located to the north of the house. Install an eight foot high privacy fence featuring a cap and a vehicular gate. Remove a chain link fence located to the south of the house. Install a six foot fence of the same design. Both fences will be painted to match the main house's color scheme. Renew two COAs (dated 19 January 2011 and 5 August 2009 respectively) called for the restoration/renovation of the house.

- 33. Applicant: Teddy Lee**
- a. Property Address: 7 South Joachim Street
  - b. Date of Approval: 4/17/12
  - c. Project: Remove old neon lighting and signage. Repair and repoint brickwork using appropriate mortar compositions. Repaint ironwork. Stain doors, windows, and associated framing. Repair fencing at rear of building.
- 34. Applicant: Sam Winter**
- a. Property Address: 22 South Lafayette Street
  - b. Date of Approval: 5/18/12
  - c. Project: Repaint the porch deck.
- 35. Applicant: Bryan Frost**
- a. Property Address: 7 South Joachim Street
  - b. Date of Approval: 5/18/12
  - c. Project: Install a hanging sign (per submitted drawing). The double-faced wooden sign will comprise a total of sixteen square feet. Said sign will feature the name of the establishment. The sign will be hung so meet code related height requirements.
- 36. Applicant: Clancy Virocher**
- a. Property Address: 463 Dexter Avenue
  - b. Date of Approval: 5/21/12
  - c. Project: Renewal of Certificate of Appropriateness from 28 February 2011 calling for the construction of a wooden handicap access ramp per the submitted plans.
- 37. Applicant: Sign A Rama**
- a. Property Address: 1751 Dauphin Street
  - b. Date of Approval: 5/22/12
  - c. Project: Suspend to wooden signs from an existing metal armature. The signs will measure 2' by 1' each. The signs will feature the names of occupying tenants.
- 38. Applicant: Independent Living Center**
- a. Property Address: 361 Tuttle Avenue
  - b. Date of Approval: 5/24/12
  - c. Project: Install a handicap access ramp.
- 39. Applicant: Forrest McCaughn**
- a. Property Address: 954 Augusta Street
  - b. Date of Approval: 5/25/12
  - c. Project: Renew ARB colors approved 4/27/98; body Venetian Yellow; trim Super White; accent Bordeaux, accent colors Verde Green.
- 40. Applicant: Barbara and Richard Janecky**
- a. Property Address: 112 Lanier Avenue
  - b. Date of Approval: 5/29/12
  - c. Project: Reissue of a Certificate of Appropriateness dated 2 March 2011 calling for the construction of an addition and the reconstruction of garage.
- 41. Applicant: Patrick Zafiris**
- a. Property Address: 10 South Lafayette Street
  - b. Date of Approval: 5/29/12
  - c. Project: Construct a rear deck. It will measure 12' by 24'. The deck cannot be seen from the public view. The deck will feature a picket railing.

## C. APPLICATIONS

1. **2012-34-CA: 352 West Street**
  - a. Applicant: Douglas B. Kearley for Joe and Shirley Eiland
  - b. Project: Construct a front porch.  
**APPROVED. CERTIFIED RECORD ATTACHED.**
2. **2012-35-CA: 251 South Georgia Avenue**
  - a. Applicant: Douglas B. Kearley for Linda Cashman
  - b. Project: Construct a rear porch.  
**APPROVED. CERTIFIED RECORD ATTACHED.**
3. **2012-36-CA: 18 South Royal Street**
  - a. Applicant: Ben Cummings for Kress Investments, LLC
  - b. Project: Restore and renovate a commercial storefront.  
**WITHDRAWN. CERTIFIED RECORD ATTACHED.**
4. **2012-37-CA: 701 Springhill Avenue**
  - a. Applicant: Ben Cummings for Wendell Quimby
  - b. Project: Restore and Renovate commercial store frontage.  
**APPROVED. CERTIFIED RECORD ATTACHED.**
5. **2012-38-CA: 7 North Royal Street**
  - a. Applicant: Ryan Baker with Walcott Adams Verneuille
  - b. Project: Install an ATM Machine and Install Signage.  
**APPROVED AS AMENDED. CERTIFIED RECORD ATTACHED.**
6. **2012-39-CA: 505 Eslava Street**
  - a. Applicant: Dharam Pannu
  - b. Project: Construct a dormer window.  
**APPROVED. CERTIFIED RECORD ATTACHED.**
7. **2012-40-CA: 77 South Lafayette Street**
  - a. Applicant: Julia Stallings for Anthony Stallings
  - b. Project: Replace windows.  
**DENIED. CERTIFIED RECORD ATTACHED.**

## D. OTHER BUSINESS

1. Discussion
2. 20 South Catherine Street

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

**2012-34-CA:** 352 West Street  
**Applicant:** Douglas B. Kearley for Joe and Shirley Eiland  
**Received:** 5/8/12  
**Meeting:** 6/6/12

**INTRODUCTION TO THE APPLICATION**

Historic District: Leinkauf  
Classification: Non-Contributing  
Zoning: R-1  
Project: Construct a front porch.

**BUILDING HISTORY**

A two-story, six room bungalow was constructed on this lot in 1922. A two story front addition was constructed after 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 last appeared before the Architectural Review Board on April 6, 1988. At that time, the Board approved the construction of a transom above the front entrance. The proposed scope of work calls for the construction of a front porch.
- B. The Design Review Guidelines for Mobile’s Historic Districts and the Secretary of the Interior’s Standards for Historic Rehabilitation state, in pertinent part:
  - 1. “The porch is an important regional characteristic of Mobile architecture. Historic porches should be maintained and repaired to reflect their period.”
  - 2. “New additions, exterior alterations, or related new construction shall not destroy the 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.”

**C. Scope of Work (per submitted plan):**

- 1. Construct a wood framed porch atop the existing brick landing
  - a. Six Doric columns, divided into two groupings of three columns, will support the porch’s gabled roof.
  - b. The porch’s central bay will feature an elliptical arch springing from a three-part entablature.
  - c. The porch’s gable will peak just below the façade’s central second-story window.
  - d. Iron railings flanking the façade’s existing stoop will be repaired and modified as required. Flared railings will continue to flank the steps. Rails will extend between the rear columns and the front wall of the house.

- e. All woodwork will be painted to match the existing color scheme.
- f. The roofing shingles will match those employed on the body of the house.

### **STAFF ANALYSIS**

This application involves the construction of a new front porch on a non-contributing residential building. The two part dwelling is comprised of an older rear Arts & Crafts inspired bungalow and a later two-story street facing addition. The proposed porch would front the latter.

The Secretary of the Interior's Standards for Historic Rehabilitation state that additions should be differentiated from yet compatible to the existing fabric. The proposed Federal style portico complements the Colonial Revival inspired front portion of the house while at the same time being distinguishable from the minimally visible Arts & Crafts core.

Earlier alterations to the facade include the 1988 addition of a transom. The salvaged iron railing would be retained and adapted atop the existing stoop. The roof pitch would not interfere with upper story fenestration. Roofing materials and paint colors would match the existing fabric.

### **STAFF RECOMMENDATION**

Based on B (1-2), Staff does not believe this application will impair the architectural or the historical character of the historic district. Staff recommends approval of this application.

### **PUBLIC TESTIMONY**

Douglas B. Kearley was present to discuss the application.

### **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed the applicant's representative. He asked Mr. Kearley if he had any comments to make, clarifications to address, or comments to make with regard to the Staff Report. Mr. Kearley answered no.

Mr. Karwinski said he had several comments to make. Firstly, he stated that he wanted make known for the public record that the façade was not drawn accurately. Turning to the overall design, Mr. Karwinski said that he did not believe the triple-column configuration would be well suited for the existing stoop. Mr. Kearley thanked Mr. Karwinski for his observations, but stated that he and the applicants wanted to proceed with the application as proposed.

Mr. Karwinski asked a question regarding the railings. Mr. Kearley addressed Mr. Karwinski's concerns.

Mr. Oswalt asked if any other Board members had any questions to ask the applicant's representative. Upon hearing no response, Mr. Oswalt addressed the audience. He asked if there was anyone who wanted to speak either for or against an application. No comments ensued from the audience. Mr. Oswalt closed the period of public comment.

### **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, amending fact



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: 6/6/13**

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

**2012-35-CA:** 251 South Georgia Avenue  
**Applicant:** Douglas B. Kearley for Linda Cashman  
**Received:** 5/21/12  
**Meeting:** 6/6/12

**INTRODUCTION TO THE APPLICATION**

Historic District: Oakleigh Garden  
Classification: Contributing  
Zoning: R-1  
Project: Construct a rear porch.

**BUILDING HISTORY**

This Colonial Revival residence dates from 1904. A full length gallery fronts the house's expanded foursquare massing.

**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 November 5, 1992. At that time, the Board approved the installation of fencing. The new owner/applicant proposes the construction of a rear porch.
- B. The Secretary of the Interior's Standards and the Design Review Guidelines for Mobile's Historic Districts state, in pertinent part:
  - 1. "New additions, exteriors alterations, or related new construction shall not destroy the historic materials that characterize the property. The new work shall be differentiated from the old and shall be made compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."
  - 2. "New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."
- C. Scope of Work (per submitted plans):
  - 1. Construct a rear porch.
    - a. The porch will be located off the southeast corner of the house.
    - b. The porch will measure 20' in width and 12' in depth.
    - c. The porch will rest atop masonry piers matching those found on the body of the house.
    - d. Framed, suspended, and recessed lattice skirting will be interspersed between the foundation piers.

- e. A skirt-like knee wall faced with wooden siding matching that found on the house will enclose the porch.
- f. Square-section wooden posts featuring capitals and necking will support the porch's hipped roof.
- g. Framed screens will be recessed within the porch bays.
- h. A wooden architrave and cornice will be located between the porch posts and roof structure.
- i. A 5-V crimp metal roof (silver in color) will sheath the roof.
- j. A west facing flight of steps and stoop will provide ingress to and egress from the porch.
- k. Wooden piers will support the stoop and steps.
- l. Framed, suspended, and recessed lattice skirting will extend between the posts and beneath the steps.
- m. A wooden picket railing will enclose the stoop and steps.

### **STAFF ANALYSIS**

This application involves the construction of a rear porch addition. The house's Rear Elevation has been altered on several occasions. Porches have been infilled and additions constructed. The proposed porch provides a sense of order to this part of the house while at the same time not erasing the changes made over time.

The Secretary of the Interior's Standards for Historic Rehabilitation state that additions to historic buildings should be differentiated from yet compatible to the original fabric. Minimally visible from the public view, the proposed porch would be raised atop foundation piers matching those of main body of the house. The porch's hipped roof complements the hipped roof that surmounts the body of the house. The single-story format and period appropriate yet not matching detail serve to differentiate the old from the new work. The use of the standing seam roof does not match the three-tab shingles on the main body of the house.

### **STAFF RECOMMENDATION**

The material chosen for the roof does not match the house roof and would not be appropriate on the body of the house. Staff believes a more appropriate choice in materials that the house could eventually match would be a better solution than a porch roof that will never match the house. Staff does not believe the overall design shown in the proposed application impairs the historic integrity of the house but suggests a more appropriate material be used.

### **PUBLIC TESTIMONY**

Douglas B. Kearley was present to discuss the application

### **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed the applicant's representative. He asked Mr. Kearley if he had any comments to make, clarifications to address, or comments to make with regard to the Staff Report. Mr. Kearley told the Board that applicant was amenable to employing an asphalt roof, but she would prefer the proposed metal roof.

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

Mr. Karwinski said that he had one comment to make. Referencing the Staff Report, He stated that he disagreed with the Staff Analysis saying that he did not believe that proposed porch would provide a sense of order for the rear elevation.

Mr. Oswalt asked if any other Board members had any questions to ask the applicant's representative. No questions ensued from the Board. Addressing the audience, Mr. Oswalt asked if there was anyone present who wished to speak either for or against the application. Upon hearing no response, Mr. Oswalt closed the period of public comment.

#### **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, amending fact

The motion received a second and was approved. Mr. Karwinski voted in opposition.

#### **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.

**Certificate of Appropriateness Expiration Date: 6/6/13**

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

**2012-36-CA: 18 South Royal Street**  
**Applicant: Ben Cummings for 18 South Royal Street**  
**Received: 5/3/12**  
**Meeting: 6/5/12**

**INTRODUCTION TO THE APPLICATION**

Historic District: Lower Dauphin Commercial  
Classification: Contributing  
Zoning: B-4  
Project: Restore and renovate a commercial storefront.

**BUILDING HISTORY**

Mobile's downtown Kress complex features four street frontages. Constructed over the course of four decades, they illustrate the development of architectural branding and corporate identity. The Royal Street and Dauphin Street facades date from 1913. Both of these street frontages were constructed according to the designs of Kress architect Seymour Burrell. They were remodeled in 1928 by E. J. T. Hoffman, another of the firm's architects. The Saint Emanuel Street and Conti Street facades date from 1941 and 1950. They were designed by Edward F. Sibbert, the most well known of the Kress designers. For reasons of its size and its architects, Mobile's Kress compound is among the most significant 20<sup>th</sup> Century commercial ensembles in the Deep South.

**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 former Kress Complex, now Hargrove Engineering, last appeared before the Architectural Review Board on May 4, 2011. At that time, the Board approved the construction of a pedestrian walk bridging the alley separating the Conti and Dauphin Street portions of the Hargrove compound. The applicants propose the alteration and rehabilitation of Royal Street façade.
- B. The Design Review Guidelines for Mobile's Historic Districts and Lower Dauphin Street Commercial District Guidelines state, in pertinent part:
  - 1. With regard to buildings whose design has been slightly altered "Restoration of the original design is preferred. However, new elements compatible with the design will be considered. For example a missing cornice may be reconstructed, while at the same time a new storefront that is not a copy of the original but uses the typical elements found on adjacent downtown buildings may be introduced."
  - 2. "Maintaining recessed entries is also an important design element. The rhythm of recessed entrances on the street contributes to the visual continuity and is encouraged on all buildings. Recessed entries identify the entrance and provide shelter."

3. “New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”

C. Scope of Work (per submitted plans):

1. Restore and renovate a commercial storefront.
  - a. Remove plywood covering extending across the northern section of the ground-floor storefront.
  - b. Construct an extension of the existing knee wall or bulkhead. Said knee wall will match the existing with regard to height and materials.
  - c. Install a new aluminum storefront system across the northern half of the ground floor.
  - d. Install new aluminum doors with the recessed entrance punctuating the southern portion of the building.
  - e. Repair and replace deteriorated transom windows to match the existing with regard to material and light configuration.
  - f. Clean and paint the banner board located between the ground floor transom windows and the upper story fenestration.
  - g. Repair and when necessary replace the upper story’s windows to match the existing in profile, dimensions and materials.
  - h. Repoint areas of brickwork when and where necessary. The mortar composition will match the existing.
  - i. Remove invasive vegetation endangering the historic fabric.
  - j. Apply rust killer to decorative iron moldings, surrounds, etc...
  - k. Repair, and when necessary replace, deteriorated metal flashing and details to match the existing.
  - l. Gently clean all terracotta details and finishes.
  - m. Repair the Kress wall sign.

## **STAFF ANALYSIS**

This application involves the restoration and renovation of a commercial storefront. The Lower Dauphin Street Commercial District Guidelines divide façade restorations and/or rehabilitations into three categories: buildings whose original design remains intact; buildings whose original design is slightly altered; and buildings whose original design has significantly altered. On account of changes made to the ground floor, the proposed work falls into the middle category.

The original 1913 façade was first altered in 1928. Subsequent alterations and mothballing have resulted in the removal of most of ground floor’s historic fabric. Only the bulkhead survives from earlier incarnations. The placement, location, and depth of the storefront entrances have been changed. On October 29, 2007, the Board approved the infill of the northernmost entrance of 24 South Royal Street, the main Hargrove building and former Neisner’s store. The storefront of that contributing building was essentially completely intact. On account of the significant changes made and the removal of historic fabric from the ground floor, Staff does not believe the reconstruction of a second entry will impair the architectural integrity of the building or the district.

The remainder of the application calls for the in kind repair and replacement of existing features.

## **STAFF RECOMMENDATION**

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

**PUBLIC TESTIMONY**

Mr. Blackwell informed the Board that the applicants had withdrawn the application.

**WITHDRAWN**

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

**2012-37-CA: 701 Spring Hill Avenue**  
**Applicant: Ben Cummings for Wendell Quimby**  
**Received: 5/21/12**  
**Meeting: 6/6/12**

**INTRODUCTION TO THE APPLICATION**

Historic District: Lower Dauphin Commercial  
Classification: Contributing  
Zoning: B-4  
Project: Restore and renovate commercial store frontage.

**BUILDING HISTORY**

This property occupies a triangular block bound by Spring Hill Avenue, Washington Street, Dauphin Street, and Scott Street. The address first appears in the City Directories in 1947; therefore the building dates from circa 1946. First a furniture store and then an automotive concern occupied the building. The building's streamlined rounded corner entrance featuring geometric details constitutes its principle architectural feature of note.

**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 calls for the restoration and renovation of the building's extensive street frontage.
- B. The Secretary of the Interior's Standards for Historic Rehabilitation, Design Review Guidelines for Mobile's Historic Districts, and the Lower Dauphin Street Commercial District Guidelines state, in pertinent part:
  - 1. "Deteriorated historic features should 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 and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence."
  - 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. "The appearance of a building should reflect its period."
  - 4. "Operable and fixed awnings are acceptable."



- C. Scope of Work (per submitted plans):
1. Restore and renovate the commercial street frontage.
    - a. Remove concrete blocks that infill the closed bays flanking of the building's main entrance.
    - b. Construct brick dividing piers within the reopened bays.
    - c. Four window bays will be located to either side of the main entrance.
    - d. The bays to either side of the main entrance will feature four fixed vertical window units.
    - e. Each of the four outer bays, those flanking the main entrance, will feature paired, operable casement windows.
    - f. A vertical board knee wall will extend beneath the window units.
    - g. Install a new double door in the main entrance. Each of the wood doors comprising the double unit will feature a large single pane of glass.
    - h. Install a fabric awning around the rounded corner entrance and reopened corner fenestration. With the exception of a box-like section fronting the entrance, the awning will be triangular in form.
    - i. Re-expose the glass box transom strips on both the South and North Elevations.
    - j. Paint the building (color scheme to be submitted to Staff at a later date).
    - k. Repair and replace any deteriorated woodwork to match the existing with regard to profile, dimension, and material.
    - l. Repair the accordion gates securing the South Elevation's two vehicular entrances.
    - m. Paint the South Elevation's single door and easternmost vehicular door.
    - n. Construct a board and batten partition wall within the South Elevation's westernmost vehicular entrance.
    - o. Construct a two-sided handicap access ramp that will provide ingress to and egress from the North Elevation's pedestrian entrance. A steel pipe railing will be installed atop the ramp.

## **STAFF ANALYSIS**

This property features one of the most extensive street exposures in the Lower Dauphin Commercial District. The triangular building with its distinctive rounded corner entrance fronts Dauphin Street, Washington Street, and Spring Hill Avenue. This application involves the restoration and renovation of the building's ample street frontage.

The Lower Dauphin Street Commercial District Guidelines divide façade restorations and/or rehabilitations into three categories: buildings whose original design remains intact; buildings whose original design is slightly altered; and buildings whose original design has significantly altered. On account of previous alterations to and infill of fenestration, the proposed work falls into the latter category.

The Secretary of the Interior's Standards state that the replacement of historic features should be based on documentary, physical, and/or pictorial evidence. The fenestration proposed for either side of the building's principal entrance would reclaim previously infilled glazed bays. Though the proposed work is an improvement, the more appropriate treatment would be a more open glass storefront. Such a treatment was more commonly employed on furniture stores and car dealerships, the first uses of this building. The use of a storefront design is more typical of commercial buildings in the Moderne style and is indicated by the low bulkhead and once opened expanses. Also the use of the expanded wood bulkhead alters the original character of the building.

Neither the construction of the partition wall within one of building's vehicular entrances nor the installation of awnings about the corner entrance will obscure or alter the historic fabric.

The remainder of the work constitutes in kind repair and replacement.

### **STAFF CLARIFICATIONS**

1. Provide a detail drawing of the proposed vehicular bay dividing wall.
2. Provide details and colors of the awning.

### **STAFF RECOMMENDATION**

Though opening up the building for the proposed design improves a much altered design, the alteration of the enclosures to different scale would impair the original character of the building. Staff suggests that the applicant be encouraged to present a design more in keeping with the Moderne style of the structure.

### **PUBLIC TESTIMONY**

Wendell Quimby and Benjamin Cummings was 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 Mr. Quimby and Mr. Cummings if they had any comments to make, clarifications to address, or comments to make with regard to the Staff Report.

Mr. Cummings said that he had to politely disagree with the Staff Recommendation. He told the Board that the building's intended use should be taken into account. He said that while large open expanses of glass might be appropriate for the display of vehicles, they are not necessarily suited for the proposed restaurant. Mr. Quimby further addressed the reasoning behind the proposed design. He told the Board that based on his experience in the restaurant industry, he has come to realize that customers do not want to be seated next to full-length plate-glass windows especially when they are close to a busy intersection.

Speaking to Mr. Quimby, Mr. Roberts said that he understood his predicament.

Addressing Mr. Cummings, Mr. Roberts asked for clarifications regarding the plan and accordion doors. Mr. Cummings and Mr. Quimby explained the plan. Mr. Cummings said that the accordion doors were existing features that would be repaired.

Mr. Karwinski asked Mr. Quimby and Mr. Cummings questions regarding the construction of the windows. The applicant and his representative addressed Mr. Karwinski's query.

Mr. Oswalt asked the applicant if parking would be an issue. Mr. Cummings said that Urban Development had already addressed that concern.

Mr. Karwinski said that he agreed with Staff Report regarding the windows. He added that steps could be taken to make the design more in keeping with the Moderne design.

Mr. Holmes cited Preservation Brief 11 which states that if an original no longer exists the use of a contemporary design is encouraged. Taking the Brief into account, he said that the proposed design is not

only an improvement over the existing treatment, but is also in accord with the National Park Service's preservation policies.

Mr. Roberts suggested a compromise. He suggested the use of a stuccoed bulkhead instead of the proposed bead board. Mr. Roberts stated that it would allow engender a sense of openness. He said that if an Art Deco motif was employed within it, a stuccoed bulk course would complement the original design. Mr. Roberts asked Mr. Quimby and Mr. Cummings if he was amenable to employing a stuccoed bulkhead. Both answered yes.

Mr. Karwinski recommended the use of glass blocks around windows.

Of the two suggestions, Mr. Cummings said the stucco was preferable. Mr. Quimby said that stucco had been discussed during an earlier phase of the design process.

Mr. Holmes said that he was uncomfortable with the direction that the meeting was taking. He said it is not the Board's task to redesign applications. He reminded his fellow Board members that they are charged with determining impairment.

Mr. Quimby referenced several properties featuring higher bulkheads.

Mr. Cummings distributed copies of streamlined designs forwarded to him by Mr. Bemis

Mr. Oswalt asked if any other Board members had any questions to ask the applicant's representative. No further comments or questions ensued from the Board.

Addressing the audience, Mr. Oswalt asked if there was anyone present who wished to speak either for or against the application. Upon hearing no response, Mr. Oswalt closed the period of public comment.

#### **FINDING OF FACT**

Mr. Wagoner moved that, based upon the evidence presented in the application and during the public testimony, the Board finds the facts in the Staff report as written.

The motion received a second and was unanimously approved.

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

Mr. Wagoner 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 approved. Mr. Roberts and Mr. Karwinski voted in opposition.

**Certificate of Appropriateness Expiration Date: 6/6/13**

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

**2012-38-CA: 7 North Royal Street**  
**Applicant: Ryan Baker with Walcott Adams Verneuille for the Bank of the Ozarks**  
**Received: 5/21/12**  
**Meeting: 6/6/12**

**INTRODUCTION TO THE APPLICATION**

Historic District: Lower Dauphin Commercial  
Classification: Contributing  
Zoning: B-4  
Project: Install an ATM machine and signage.

**BUILDING HISTORY**

This 1850s commercial building has been altered several times since its completion.

**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 March 13, 2012. At that time the Board approved the reconfiguration of the storefront, the installation of additional windows, and the construction of a balcony. This application calls for the installation of an ATM machine and signage.
- B. The Design Review Guidelines for Mobile’s Historic Districts and the Sign Design Guidelines for Mobile’s Historic Districts and Government Street state, in pertinent part:
  - 1. “The type, size and dividing lights of windows and their location and configuration (rhythm on a building help establish the historic character of a building.”
  - 2. “Signs shall be mounted or erected so they do not obscure the architectural features or openings of a building.”
  - 3. “The overall design of all signage including mounting framework shall relate to the design of the principal building.”
  - 4. “The size of the sign(s) shall be in proportion to the building and the neighboring structures and signs.”
  - 5. “The total maximum allowable sign area for all signs is one and one half square the linear front foot of the principal building, not to exceed 64 square feet.”
  - 6. “The structural materials of the sign should match the historic materials of the building.”
  - 7. “Internally lit signs are prohibited.”
- C. **Scope of Work (per submitted plans):**
  - 1. Install an ATM machine within the ground floor’s southernmost fenestrated bay.
    - a. Wood infill painted to match the existing color scheme will be installed around the ATM machine.
    - b. The infill and ATM machine will be recessed within the fenestrated bay.

2. Install three signs.
  - a. All three signs will be metal in composition.
  - b. All three signs will feature the name of the occupying tenant. The ATM sign will include additional information.
  - c. A wall sign measuring 1' high and 12' 10" will extend over the ground floor's main entrance.
  - d. An ATM Sign measuring 1' in height and 3' in width will hang from the underside of the upper level gallery.
  - e. A wall sign measuring 1' 4" high and 12' 10" in width will be located to east of the North Elevation's upper story windows.

## **STAFF ANALYSIS**

This application involves the insertion of an ATM machine and installation of signage.

This building's façade has been altered several times over the course of the 20<sup>th</sup> Century. The current treatment of the ground floor storefront was approved on March 13, 2006. The proposed ATM machine would be inserted within the window located south of the centrally located entrance. The existing frame would be retained and the ATM machine would be recessed within the infilled opening; thereby maintain the intimation of open bay and rhythmic spacing bay sequence. Though the facade's ground floor does not constitute historic construction, Staff recommends that the ATM be installed within the recessed entrance's glazed reveal. The relocation of the ATM to the aforementioned location would not alter the symmetry of the façade, one of its defining features. The same framing and infilling could be employed.

The proposed signage would be relocated from the applicant's existing building. Said signage is currently located at 200 Dauphin Street.

When reviewing signage applications, the location, size, material, lighting, and design of the proposed installations are taken into account

In accord with the Sign Design Guidelines for Mobile's Historic Districts and Government Street, the proposed signage will not obscure the architectural features of the building. Additionally, the hanging sign meets coded related height requirements.

The maximum signage allotment for properties in the historic districts is 64 square feet. Requests for signage exceeding said allotment requires a variance. The proposed signage is below 64 square feet.

Recessed can lights and street lamps will illuminate the signage.

The design of the proposed signage is in keeping with the historic integrity of the building and the district.

## **STAFF RECOMMENDATION**

Staff recommends approval in part and denial in part.

Based on B (1), Staff believes the installation of the ATM machine in the proposed location will impair the architectural and the historical character of the building and the surrounding district. Staff recommends that the ATM machine be installed within the main entrance's reveal so to maintain the symmetry of the façade and the integrity of the opening.

Based B (2-7), Staff does not believe the signage portion of this application will impair the architectural or the historical character of the building or the district. Staff recommends approval of that portion of the application.

## **PUBLIC TESTIMONY**

Sam Jeffcoat of Bank of the Ozarks and Ryan Baker and 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 Mr. Jeffcoat and Mr. Baker if they had any comments to make, clarifications to address, or comments to make with regard to the Staff Report.

Mr. Roberts asked Mr. Baker if the bank would be a branch office. Mr. Baker responded by saying the bank was relocating from one office to another.

Mr. Holmes asked for clarification regarding the recommended relocation of the ATM machine. Mr. Baker said from a usability standpoint, relocating the ATM to within the reveal would not work.

Mr. Karwinski asked Mr. Baker if placing the ATM along the alleyway had been considered. Mr. Baker said that from the perspectives of access and safety such a placement was unadvisable. He added that in relocating the ATM to the North Elevation, the plan would have to be altered.

Mr. Baker told the Board that an ATM machine could be removed at a later date.

Mr. Bemis acknowledged that the work was reversible, but he said that reversibility aside impairment should still be considered.

Mr. Karwinski asked Mr. Baker if the applicants would consider placing the glass around the ATM instead of wood. Mr. Baker answered yes.

Mr. Oswalt asked his fellow Board members had any further questions to ask the applicant's representative. No questions ensued from the Board.

Addressing the audience, Mr. Oswalt asked if there was anyone present who wished to speak either for or against the application. Upon hearing no response, Mr. Oswalt closed the period of public comment.

## **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 facts to note that spandrel glass will be placed around the ATM instead of wood.

The motion received a second and was unanimously approved.

## **DECISION ON THE APPLICATION**

Mr. Karwinski 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: 6/6/13**

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

**2012-39-CA: 505 Eslava Street**  
**Applicant: Dharam Pannu**  
**Received: 5/21/12**  
**Meeting: 6/6/12**

**INTRODUCTION TO THE APPLICATION**

Historic District: Church Street East  
Classification: Non-Contributing  
Zoning: R-1  
Project: Construct a dormer window.

**BUILDING HISTORY**

This residence is representative of new infill construction in the southern portion of the Church Street East Historic District. The building was constructed in 1998.

**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 May 18, 2011. At that time, the Board reissued an approval allowing the construction of side and rear dormer windows.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “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.”
  - 2. “The size and placement of new windows for additions or alterations should be compatible with the general character of the building.”
- C. Scope of Work (per submitted plans):
  - 1. Construct a dormer window.
    - a. The dormer will be located on the building’s North/Front Elevation.
    - b. The gabled roofed dormer will be sheathed with asphalt shingles matching those employed on the body of the house.
    - c. The stucco faced dormer will be painted to match the color scheme of the house.
    - d. The design of the dormer will match the design of the previously approved dormers.
    - e. The dormer will feature a single six-over-six wooden window.

**STAFF ANALYSIS**

This application calls for the construction of a dormer window on a non-contributing residential building. The Design Review Guidelines state that size and placement of new window elements should be



compatible with the general character of the building. The non-contributing building possesses an irregular roof structure. Dormers of the same design have been previously approved for the dwelling's side and rear elevations. The dormer would be located on the building's façade.

**STAFF CLARIFICATIONS/REQUESTS**

1. Clarify overall dimensions of the proposed dormer.

**STAFF RECOMMENDATION**

Based on B (1-2), Staff does not believe this application will impair the architectural or this historical character of the building or the district. Pending the aforementioned clarification, Staff recommends approval of this application.

**PUBLIC TESTIMONY**

Dharam Pannu was present to discuss the application.

**BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed the applicant. He asked Mr. Pannu if he had any comments to make, clarifications to address, or comments to make with regard to the Staff Report. Mr. Pannu answered no.

Mr. Wagoner asked Staff if the proposed dormer would be of the same design as the existing one. Mr. Blackwell answered yes.

Mr. Pannu was asked as to why he was installing a dormer. Mr. Pannu expressed the reasoning behind the application.

**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. Karwinski 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: 6/6/13**

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

**2012-40-CA: 77 South Lafayette Street**  
**Applicant: Julia Stallings**  
**Received: 5/21/12**  
**Meeting: 6/6/12**

**INTRODUCTION TO THE APPLICATION**

Historic District: Church Street East  
Classification: Non-Contributing  
Zoning: R-1  
Project: Replace windows.

**BUILDING HISTORY**

The design of this house is influenced by the one-and-one-half story Colonial cottages of the New England region.

**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 7, 2011. At that time, the Board denied a request to retain unauthorized vinyl replacement windows. The applicant proposes the replacement of the vinyl windows with three-over-one wooden replacement windows.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “The type, size and dividing lights of windows and their location and configuration (rhythm) on a building help to establish the historic character of a building. Original window openings should be retained as well as original window sashes and glazing.”
  - 2. “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 the six-over-six vinyl replacement windows.
  - 2. Install three-over-one wooden windows.

**STAFF ANALYSIS**

This application involves the removal of vinyl windows and the installation of wooden windows. The body of this house originally six-over-six wooden windows. Windows of the same configuration were later installed on an infilled porch. In March of 2011, a contractor removed wooden windows without the issuance of Certificate of Appropriateness or Building Permit. Vinyl six-over-six windows were installed.

The applicant proposes the removal of the six-over-six vinyl windows and their replacement with three-over-one wooden windows.

The Design Review Guidelines state that historic windows should be retained. When replacement is necessary, new windows should be compatible with existing. The Guidelines also state that the type, size, and dividing lights of windows establish the historic character of a building. The six-over-six wooden windows that were located on the body of this house contributed to its period and style. The proposed three-over-one wooden windows, while appropriate with regard to material and type, would alter the appearance of the non-contributing building.

### **STAFF RECOMMENDATION**

The applicant's representative pursued legal action against the window contractor/installer. She has worked with Staff with regard to finding a solution. Staff suggests that the applicant apprise the Board of the progress of the deliberations with the window installer as well as other efforts she has taken to come into compliance.

### **PUBLIC TESTIMONY**

Ms. Julia Stallings and Mr. Anthony Stallings were present to discuss the application.

### **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed the applicant's representative. He asked Ms. Stallings if she had any comments to make, clarifications to address, or comments to make with regard to the Staff Report.

Mr. Roberts told the Board that Ms. Stallings was a prior client.

Mr. Wagoner asked Ms. Stallings as to the current status of her case. Ms. Stallings replied saying that she had yet entered into litigation with firm that installed the windows. She said that while she had contacted a lawyer, she wanted to have an approved window to determine replacement costs prior to filing suit.

Ms. Stallings asked if Mr. Karwinski could recue himself from the discussion and ruling.

Mr. Lawler said that Mr. Karwinski's presence during the discussion was not a conflict of interest.

Both Mr. Roberts and Mr. Karwinski voluntarily recued themselves himself from the meeting.

Ms. Stallings told the Board that when she first appeared before them she pleaded ignorance. She said that now she wanted to resolve the matter and move forward. She and Mr. Stallings spoke of the diversity of window configurations located on Lafayette Street. Ms. Stallings said that the price of six-over-six windows far exceeded three-over-one windows.

Mr. Stallings said windows to the right of the door open into what was once an open porch. He added that other windows are located on an addition.

Ms. Stallings said that she had contacted Oakleigh Custom Windows, Amish Millworks, and Coastal Door & Window. Addressing the Board, Ms. Stallings said that wants to maintain the character of the district but pleads for understanding.

Mr. Oswalt asked Staff their opinion on the proposed three-over-one windows. Mr. Bemis said that six-over-six windows would be best. He said that one-over-one windows would be preferable to the three-over-three windows. Mr. Bemis said that Staff would continue to work with the applicant.

Mr. Stallings said that she wanted resolution sooner as opposed to later. She spoke of the costs of six-over-six windows.

Ms. Coumanis advised the applicant and his representative as to legal courses of action.

A discussion ensued as to how to rule on the application.

### **FINDING OF FACT**

Mr. Martin 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. Martin 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 not be issued.

The motion received a second and was unanimously approved.

### **DENIED**