

## ARCHITECTURAL REVIEW BOARD MINUTES

March 17, 2010 – 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:** Gertrude Baker, Carlos Gant, Bill James, Tom Karwinski, Bradford Ladd, Harris Oswalt, Craig Roberts, and , Janetta Whitt-Mitchell.  
**Members Absent:** Kim Harden, Jim Wagoner, and Barja Wilson.  
**Staff Members Present:** Devereaux Bemis, Cart Blackwell, Keri Coumanis, and John Lawler.
2. Mr. Ladd moved to approve the minutes of the February 17, 2010 and March 3, 2010 meetings. The motion received a second and passed unanimously.
3. Mr. Karwinski moved to approve the midmonth COAs granted by Staff.

### B. MID MONTH APPROVALS: APPROVED

1. **Applicant: Rick Comer**
  - a. Property Address: 57 Houston Street
  - b. Date of Approval: 2/22/10
  - c. Project: Repaint the house per existing color scheme. Repair and replace rotten woodwork to match existing when necessary.
2. **Applicant: Rebecca Pounders for Del-Mar Holdings, LLC**
  - a. Property Address: 462 Dauphin Street
  - b. Date of Approval: 2/23/10
  - c. Project: Install a 6' metal fence between the building and the adjoining building to the west. The fence will feature a 3' wide panel gate.
3. **Applicant: Mark Jackson**
  - a. Property Address: 505 Saint Francis Street
  - b. Date of Approval: 2/25/10
  - c. Project: Paint body Cliveden Leather, trim is antique white, window sash is Humboldt Earth.
4. **Applicant: Angelo Semifero**
  - a. Property Address: 64 Bradford Avenue
  - b. Date of Approval: 2/26/10
  - c. Project: Paint house in following color scheme: body-Green Tea Leaves; Trim-Baked Scone and Quail Egg; Door-Summer Pudding. All colors from Lowe's National Trust Chart.
5. **Applicant: Nicole Secor**
  - a. Property Address: 201 S. Washington
  - b. Date of Approval: 3/1/10
  - c. Project: Replace rotten siding and window casings, corner trim, all to match the existing. Paint white to match house.
6. **Applicant: David Kearns**
  - a. Property Address: 1706 New Hamilton Street
  - b. Date of Approval: 3/1/10
  - c. Project: Repaint the house per the submitted Benjamin Moore color scheme. The color of the body will be Hampshire Gray. The trim will be Clarksville Gray. The base will be Gloucester Sage.
7. **Applicant: Eric Crooker**
  - a. Property Address: 357 Charles Street

- b. Date of Approval: 3/3/10
  - c. Project: Install a six foot interior lot wooden privacy fence with a dog-eared top. The fence will commence at point just east of the recessed side wing's paired windows And continue to the south lot line. The fence will feature a double gate.
- 8. Applicant: Barbara Stiehl**
- a. Property Address: 953 Selma Street
  - b. Date of Approval: 3/3/10
  - c. Project: Reroof the house with Architectural Shingles, weatherwood in color. Repaint the house. The color scheme will be submitted at a later date.
- 9. Applicant: Michael Smith**
- a. Property Address: 1002 Dauphin Street
  - b. Date of Approval: 3/3/10
  - c. Project: Repaint the house per the existing color scheme.
- 10. Applicant: James Steele for Jimco for owner Barry Jones**
- a. Property Address: 329 McDonald Avenue
  - b. Date of Approval: 3/4/10
  - c. Project: Install new mahogany, 18 light front door, matching the original. Trim around the door will be reused.
- 11. Applicant: Deanna Burkette**
- a. Property Address: 1721 Laurel
  - b. Date of Approval: 3/3/10
  - c. Project: Replace rotten skirt boards to match original in profile and dimension.
- 12. Applicant: Reginald Lamar Lee**
- a. Property Address: 1103 Elmira Street
  - b. Date of Approval: 3/5/10
  - c. Project: Replace rotten wood matching existing in profile, dimension and materials: Siding to match existing; porch deck to be 5/4 tongue and groove. Paint the house white with white trim. Install new 25 year shingle roof, black-grey in color..
- 13. Applicant: Daniel Preudhomme**
- a. Property Address: 908 Palmetto Street
  - b. Date of Approval: 3/5/10
  - c. Project: Install a 6' interior lot wooden privacy fence with a dog-eared top. The fence will commence at the southwest corner of the front elevation's recessed side wing. The fence will extend to the west lot line and feature a single gate. The fence will then extend along the western lot line..

**C. APPLICATIONS**

**1. 2010-26-CA: 1004 Selma Street**

- a. Applicant: Chris and Steve Little
  - b. Project: After-the-Fact Approval - Retain a front porch spindle frieze.
- DENIED. CERTIFIED RECORD ATTACHED.**

**2. 2010-27-CA: 1225 Selma Street**

- a. Applicant: Hastings P. and Felicity A. Read
  - b. Project: Reroof the house with a Tuff-Rib metal roof.
- DENIED. CERTIFIED RECORD ATTACHED.**

**3. 2010-25-CA: 31 South Monterey Street**

- a. Applicant: Albert S. and Joyce J. Ponder
- b. Project: Replace the front door and two side windows. Construct a two story addition that will incorporate a portion of the existing rear elevation's first

floor. Remove a chain link fence. Extend the existing interior lot privacy fencing around the whole of the backyard.

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

**4. 2010-28-CA: 1363 Government Street**

- a. Applicant: Advantage Signs
- b. Project: Sign Approval - Construct a monument sign. Replace the existing canopy signs.

**DENIED. CERTIFIED RECORD ATTACHED.**

**5. 2010-29-CA: 1616 Government Street**

- a. Applicant: Sign Pro
- b. Project: Sign Approval: Reinstall the existing signage without the internal illumination.

**APPROVED. CERTIFIED RECORD ATTACHED.**

**6. 2010-30-CA: 362-364 Michigan Avenue**

- a. Applicant: Mary Odom and Thomas Briand for Carlos Barnard Bell
- b. Project: New Construction – Construct a single family residence.

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

**7. 2010-31-CA: 1255 Dauphin Street**

- a. Applicant: Alabama School of Math and Science
- b. Project: Renew a Certificate of Economic Hardship.

**HELD OVER. CERTIFIED RECORD ATTACHED.**

**D. OTHER BUSINESS**

- 1. Sidewalk Treatments
- 2. Discussion

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

**2010-26-CA: 1004 Selma Street**  
**Applicant: Chris and Steve Miller**  
**Received: 2/18/10**  
**Meeting: 3/17/10**

**INTRODUCTION TO THE APPLICATION**

Historic District: Oakleigh Garden  
Classification: Contributing  
Zoning: R-1  
Project: After-the-Fact Approval – Retain a replacement front porch spindle frieze.

**BUILDING HISTORY**

This shotgun with recessed side wing was constructed in the early twentieth century.

**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. On December 9, 2010, Staff issued a Certificate of Appropriateness authorizing the basic repair and replacement of existing woodwork. The applicant’s contractors went beyond the approved scope of work. During the course of the work, the original scroll sawn guilloche-like frieze was removed from the front porch. A spindled frieze replaced the original frieze. The property owner appears before the Board with a request to retain the spindled frieze.
- 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. Particular attention should be paid to the handrails, lower rails, balusters, decking, posts/columns, proportions and decorative details.”
  - 2. “Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.”
  - 3. “Deteriorated historic fabric 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.”
- C. Scope of Work:
  - 1. Remove the original circular guilloche-like frieze.
  - 2. Retain the spindled frieze currently installed.

## **STAFF ANALYSIS**

In recent decades, this house has undergone sympathetic and unsympathetic interventions. A previous owner sheathed the house with aluminum siding, as well as making other inappropriate changes to the house's form and detailing. Additionally, years of deferred maintenance have inflicted further loss of historical integrity.

The circular guilloche-like frieze that extended between the front porch posts was one of the few exterior features to survive intact. Several other houses on Selma Street still feature a frieze of the same design. The Design Review Guidelines for Mobile's Historic Districts and the Secretary of the Interior's Standards for Historic Preservation clearly state that historical features should be retained and repaired. The replacement frieze does not match the original in either size or design. Staff recommends that the replacement frieze be removed and be replaced with one that replicates the original.

## **STAFF RECOMMENDATION**

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

## **PUBLIC TESTIMONY**

No one was present to discuss the application.

## **BOARD DISCUSSION**

Upon review of the application by staff, no further Board discussion took place.

## **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 impair the historic integrity of the building and that a Certificate of Appropriateness not be issued.

The motion received a second and was unanimously approved.

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

**2010-27-CA:** 1225 Selma Street  
**Applicant:** Hastings P. and Felicity A. Read  
**Received:** 3/1/10  
**Meeting:** 3/17/10

**INTRODUCTION TO THE APPLICATION**

Historic District: Oakleigh Garden  
Classification: Contributing  
Zoning: R-1  
Project: Reroof the house with a Tuff-Rib metal roof.

**BUILDING HISTORY**

This house was completed in 1910. The house exhibits the low-lying, horizontal massing of a bungalow, but that overall Arts and Crafts form is articulated by classical detail.

**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 September 25, 2006. At that time the Board approved the construction of a screened porch, a teahouse, a rear dormer, and a raised walk. As part of the ongoing restoration and renovation of the house, the applicants return to the Board with a request to reroof the house with a metal roof. Currently architectural shingles sheath the roof. The low-lying roof with its dramatic flared lower pitch is one of the defining characteristic of this house.
- 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.”
- C. Scope of Work:
  - 1. Reroof the house with a Tuff-Rib metal roof.
    - a. The roofing panels have a ¾” pitch.
    - b. The color of the roofing will be sand white.

**STAFF ANALYSIS**

Metal roofing options have increased in both number and popularity in recent years. Metal roofs are reviewed on a case by case basis. Three considerations are taken into account when reviewing metal roofs. The three concerns are as follows: the house style; the roof type/configuration; and the proposed

metal roofing. This house dates from 1909-1910. Fashionable houses built in Mobile's expanding suburbs at this time, of which this an example, did not feature metal roofs. Fashionable bungalows generally eschewed metal roofs. This roof's flared lower pitch would be obscured by present day metal roofing options. While the proposed metal roof's panels have a 3/4" pitch, Staff believes that the subtle curves and transitions created by the flared lower pitch and the projecting cross hips would be lost.

### **STAFF RECOMMENDATION**

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

### **PUBLIC TESTIMONY**

Hastings and Felicity Read were present to discuss the application.

### **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Oswalt asked the applicants if they had comments to add or clarifications to make with regard to the Staff Report. Mr. Read prefaced his remarks by enumerating the five reasons why he was proposing a metal roof: the existing shingle roof need to be replaced; the longevity of metal roofs; the cost effectiveness of metal roofs; the energy efficiency of light colored metal roofs; and the availability of tax credits for metal roofs.

Mr. Hastings told the Board that the work on the house is still ongoing. He pointed out the economic advantages of the metal roof, as well as mentioning examples of other houses within the Oakleigh Garden District that feature metal roofs. Mrs. Hastings provided the Board with photographs of the nearby homes with metal roofs. Mr. Hastings pointed out that metal roofs are found on houses of varying style and type. Focusing on his application, Mr. Hastings addressed the pitch of the roof. He told the Board that he and Mrs. Hastings wanted to preserve the pitch of the roof. Mr. Hastings explained to the Board that he believed that the Staff Report was based on the assumption that only one metal panel would extend over the roof's double pitch. Mrs. Hastings distributed their contractor's specifications for a metal roof utilizing two shorter panels, as opposed to a single full length panel. Mr. Hastings told the Board that the distinctive flare would not be lessened, but accentuated by the proposed metal roofing.

Mr. Karwinski asked the applicants why they were not replacing the roof shingles. Mr. Hastings told the Board that metal roofing was less expensive and more energy efficient than shingles. Mr. Karwinski asked how the proposed roof would provide greater energy efficiency. Mr. Hastings said the lighter color would enhance efficiency, as well as reduce costs.

Mr. Roberts asked Staff what type of roofing originally sheathed the house. Mr. Blackwell told the Board that asbestos shingles were frequently used during the period. Mr. Roberts told the applicants that the Board's decisions are based the Secretary of the Interior's Standards for Historic Rehabilitation and the Design Review Guidelines for Mobile's Historic Districts. He then explained to the applicants that there were different types of metal roofs. Certain types, both past and present, are not appropriate for any given house. Mr. Roberts told the applicants that standing seam metal roofs constituted the traditional type of metal roofing. Mr. Hastings said that standing seam metal roofs were expensive. Mr. Roberts informed the applicants that the Board reviews individual applications based on their effect on historical and architectural character of the historic districts.

Mr. James voiced concerns regarding the color and the installation of the roof. He told the applicants that adapting the panels to the roof pitch could pose runoff and leaking issues.

Mr. Bemis explained to the applicants that in response to the increasing number of requests for and the expanding types of metal roofs, all roofs of this type are reviewed on a case by case basis. Standing seam metal constituted the traditional and preferred roofing type. The style of the building and the type of roof determine the applicability of metal roofs. Mr. Bemis told the Board that Staff believes the distinctive pitch of the roof would be lost if a metal roof was used. He cited the example of nearby house that featured a flared roof. When that house was reroofed, the subtle transition was lost. Mr. Bemis said that the flattening of the roof's lower pitch, the color of the roof, and the type of roofing warranted the Board's attention.

Mr. Oswalt asked if there was anyone from the audience who wished to speak for 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, 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 impair the historic integrity of the building and that a Certificate of Appropriateness not be issued.

The motion received a second and was unanimously approved.



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

**2010-25-CA: 31 South Monterey Street**  
**Applicant: Albert S. and Joyce J. Ponder**  
**Received: 1/21/10**  
**Meeting: 3/17/10**

**INTRODUCTION TO THE APPLICATION**

Historic District: Old Dauphin Way  
Classification: Contributing  
Zoning: R-1  
Project: Replace windows. Replace the front door and two side windows. Construct a rear two story addition that will incorporate portions of the existing rear elevation's first floor. Remove a chain link fence. Extend the existing interior lot privacy fencing around the whole of the backyard.

**BUILDING HISTORY**

This Arts and Crafts-influenced American four square was constructed in 1914.

**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 3, 2010. The Board held over the application for the submission of a complete set of plans for the addition. The Board voiced concerns as to the design of a proposed rear porch/deck. The applicants appear before the Board to clarify the proposal. The applicants' proposal calls for the replacement of the original front door, the replacement of two side windows (South Elevation), the construction of a rear addition, and the extension of the existing rear lot privacy fence. A six or five paneled door would replace the original single paneled and glazed door. The fixed pane stair landing window and paired southeast corner windows on the south elevation would be replaced by a wooden true-divided-light nine-over-one windows. The two story rear addition, which would not be demarcated by corner posts, would extend the whole of the width of the house. Three separate additions currently extend from the rear elevation. The southeast corner addition would be demolished. The central and northern portions would be refaced. The existing hipped roof would be extended over the proposed addition. A dormer matching the façade's attic dormer would surmount the roof face. The applicants are developing a plan for a two-tiered deck with stair which would extend off the proposed addition. The existing chain link fence that extends around the eastern and northern property lines would be removed. The existing 8' wooden fence enclosing the remainder of the backyard would be extended to replace the chain link fence.
- B. The Design Guidelines for Mobile's Historic Districts and the Secretary of the Interior's Standards for Historic Rehabilitation 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 reflect the age and style of the house."
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."
4. "The removal of historic materials and the alteration of features and spaces that characterize a property shall be avoided."
5. "Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved."
6. "Deteriorated features shall be retained 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."
7. "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."
8. "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."
9. "The porch is an important regional characteristic of Mobile architecture...Particular attention should be paid to the handrails, lower rails, balusters, decking, posts/columns, proportions and decorative details"
10. "The form and shape of the porch and its roof should maintain their historic appearance. The materials should blend with the style of the building."
11. Fences "should complement the building not detract from it. Design, scale, placement and materials should be considered along with their relationship to the Historic District. The height of solid fences in historic districts is generally restricted to six feet, however, if a commercial property or multi-family housing adjoins the subject property, an eight foot fence may be considered. The finished side of the fence should face the public view. All variances required by the Board of Adjustment must be obtained prior to issuance of a Certificate of Appropriateness."

C. Scope of Work (per submitted plans):

1. Remove the façade's original single paneled and glazed door.
2. Replace the original door with a six or a five paneled wooden door.
3. Remove the single glazed stair landing window and the paired southeast corner windows from the south elevation.
4. Replace the windows with single unit true-divided-light nine-over-one windows.
5. Demolish the rear elevation's single bayed southeast corner addition
6. Demolish the rear elevations second story balcony.
7. Remove the corner posts from the northeast and southeast corners of the house.
8. Construct a rear addition.
  - a. The rear addition will measure 26' in width and 9' in depth.
  - b. The addition will encompass and extend to the south of the existing central and northern portions of the rear elevation.

1. The existing siding from these two sections of the rear elevation will be replaced to match existing in profile, dimension, and material.
- c. The overall addition will feature wooden siding that will match the existing.
  1. The siding will extend unbroken along the north and south elevations of the house.
- d. The existing hipped roof will be extended over the addition.
- e. The North and South Elevations will not feature fenestration.
- f. East Elevation
  1. The first floor of the east elevation will feature six fenestrated bays comprised of two single one-over-one windows flanking a bank of three one-over-one windows and a door. This pattern of fenestration replicates the existing window configuration. The existing windows will be reused.
    - a. The first and second story wooden doors will utilize a design featuring three solid panels below six glazed lights.
  2. The second story of the east elevation will feature and reuse a paired one-over-one window unit, a door, and an eight light window.
  3. A bay window replicating the bay window found façade's roof will surmount the east elevation's roof face.
9. Extend the rear lot wooden privacy fence along the eastern and northern sides of the lot.
  1. The fence measures eight feet in height. Vertical boards comprise the lower 6'. 2' of framed lattice surmounts the vertical boarding.

#### Clarifications

1. What is the design of the rear porch/deck?

#### **STAFF ANALYSIS**

This application involves the replacement of original and later features, the construction of a rear addition, and the extension of an interior privacy fence. The above scope of work is the first phase of the applicants' exterior rehabilitation of the house.

With regard to this application, the proposed front door replacement is not in keeping with the period and style of the house. The Design Review Guidelines for Mobile's Historic Districts clearly states that original doors should be retained and preserved. If deteriorated beyond repair, the door should be replaced with an example featuring a comparable configuration of paneling and glazing.

The side windows were altered at a later date. The proposed replacement windows not only meet the design and material standards established by the Guidelines, but they also match the house's existing windows in their nine-over-one light configuration.

As proposed, the addition from and renovation of the rear elevation, does not feature corner posts. The Design Review Guidelines for Mobile's Historic Districts and the Secretary of the Interior's Standards for Historic Rehabilitation state that additions to historic structures should be differentiated from the existing so as to "read" as an addition. The use of corner posts would demarcate what is old and what is new. Additionally, the use and/or retention of corner posts would offset the addition's lack of side elevation fenestration. The proposed addition's rear elevation fenestration replicates, in part, the existing. The windows will be reused. The proposed doors are in keeping with the style and period of the house. At the previous meeting, the Board raised concerns as to the design and treatment of the rear deck.

While the extension of the wooden fence will replace a non-conforming chain link fence, the proposed fence exceeds the height limits established by the Guidelines for Mobile's Historic Districts.

## **STAFF RECOMMENDATION**

Based on B (1 and 6), Staff does not recommend the replacement of the original door. The replacement of the original door would impair the architectural and historical character of the house and the district. If the door is beyond repair, Staff recommends the use a half glazed and half paneled door that replicates the design of the original door.

Based on B (2, 3, & 6), Staff recommends approval of the replacement of windows on the east elevation. The proposed windows do not impair the architectural or historical integrity of the house or the district.

Based on B (7), Staff recommends approval of the addition on two conditions. First, the corner posts are maintained or replicated and secondly, the submission of a rear/porch deck design meets with the approval of the Board.

While the proposed extension of the wooden fence would remove a non-conforming chain link fence, the proposed fence exceeds the height limits established the Design Review Guidelines for Mobile's Historic Districts. Based on B (11), Staff believes the proposed fence would impair the architectural and historical character of the house and the district.

## **PUBLIC TESTIMONY**

Mr. Albert Ponder was present to discuss the application.

## **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Oswalt asked Mr. Ponder if he had any clarifications to make or comments to add with regard to the Staff Report. Mr. Ponder explained the motivations behind the application. He told the Board that he wanted to regularize the rear portion of the house. A corner post would defeat that end. Mr. Ponder said that he did not like the chopped up, piecemeal appearance of the rear elevation. He explained that he planned on developing a deck design after receiving approval of the addition. Mr. Ponder said the proposed addition would provide more living space, as well as attic access. He said that at this point he was dissatisfied with the approval process.

Mr. Roberts informed the applicant that the irregular treatment of the rear elevation reflected the historical evolution of the house. He said that a uniform appearance might be appropriate elsewhere, but in a historic district the evolutionary development of a building constitutes a vital component of its historical character.

Mr. Ponder reiterated that he was dissatisfied with review process. He asked why his application, one which was submitted to the Board, be recommended for denial when unapproved work goes on throughout the districts. He raised concerns and questions regarding paint colors and Hardiplank siding. Ms. Coumanis explained to the applicant that City of Mobile operates on a call in complaint system. She added that inspectors from other departments patrol the districts. Mr. Bemis told the applicant that 311 calls are received on daily basis. Staff is required to respond to the calls within thirty-six hours. Mr. Bemis and Ms. Coumanis told the applicant that Staff ordinarily addresses a concern within twenty-four hours of a 311 call.

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

## **FINDING OF FACT**

Mr. Ladd 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. Karwinski moved that, based upon the facts as approved by the Board, the application does impair the historic integrity of the building and that a Certificate of Appropriateness be issued for the replacement of the windows (C3-4).

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 3/17/11**

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

**2010-28-CA: 1363 Government Street**  
**Applicant: Advantage Signs**  
**Received: 2/24/10**  
**Meeting: 3/17/10**

**INTRODUCTION TO THE APPLICATION**

Historic District: Leinkauf  
Classification: Non-Contributing  
Zoning: B-2  
Project: Construct a monument sign. Replace the existing canopy signs.

**BUILDING HISTORY**

This gas station/convenience store is non-contributing infill within the Leinkauf Historic District.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. This property has never appeared before the Architectural Review Board. Until recently, the property served as a BP station. Currently, the property is transferring its affiliation from the BP to the Texaco Corporations. The new oil company’s franchise proposes the construction of a monument sign at the southeast corner of Government and Everett Streets, as well as the replacement of the existing canopy signs.
- B. The Sign Design Guidelines for Mobile’s Historic Districts and Government Street state, in pertinent part:
  - 1. “The overall design of the signage including mounting framework shall relate to the design of the principal building on the property. Buildings with a recognizable style such as Greek Revival, Italianate, Victorian, Queen Anne, Neo-classic, Craftsman, et. al., should use signage of the same style. This can be done through the use of similar decorative features such as columns or brackets.”
  - 2. “For buildings without a recognizable style, the sign shall adopt the decorative features of the building, utilizing the same materials and colors.”
  - 3. “The total maximum allowable sign area for all signs is one and one half square feet per linear front foot of the principal building, not to exceed 64 square feet.”
  - 4. “The size of the sign shall be determined by measuring the area within each face of a geometric shape enclosing all elements of informational or representational matter including blank masking. Structural supports not bearing information shall not be included in the computation of display area.”
  - 5. “The structural materials of the sign should match the historic materials of the building. Wood, metal, stucco, stone or brick, is allowed. Plastic, vinyl or similar materials are

prohibited. Neon, resin to give the appearance of wood, and fabric may be used as appropriate.”

6. “The total allowable square footage for the display area of a monument sign is (50) fifty square feet...”
7. “Lighted signs shall use focused, low intensity illumination. Such lighting shall not shine into or create glare at pedestrian or vehicular traffic, nor shall it shine into adjacent areas. Light fixtures mounted on the ground shall be screened by landscaping.”

C. Scope of Work (per submitted drawing):

1. Construct a monument sign at the intersection of Government and Everett Streets.
  - a. The monument sign will be set back 2’ from the Government Street sidewalk and 10’ from the Everett Street sidewalk.
  - b. The monument sign will measure a total of 5’ 8” in height.
  - c. The monument sign’s aluminum base will measure 1’ of the overall height.
  - d. The base will be painted gray.
  - e. The sign face will measure 4.8’ in height
  - f. The sign face will measure 8.5’ in length.
  - g. The sign frame will be aluminum.
  - h. The sign face will be acrylic.
  - i. The sign face’s design will feature the company name, the company logo, and the current gasoline prices.
  - j. Ground level spotlights will illuminate the sign.
2. Replace the existing canopy signs.
  - a. The signs will be made of aluminum with acrylic faces.
  - b. The north-facing circular canopy sign measures 25” in diameter.
  - c. The sign will feature channel illumination.
  - d. The west-facing canopy sign measures 22” in height and 10’ 11” in length.
  - e. The sign will feature channel illumination.

## STAFF ANALYSIS

Signage, particularly signage relating gas stations, raises a number of issues. Size, material and illumination are key concerns.

With regard to sign size, the Sign Guidelines for Mobile’s Historic Districts and Government Street specify maximum size limits for total signage and monument signs. As proposed, this application exceeds both size limits. First, the total square footage of the proposed signage exceeds the maximum 64 square feet allowed for signage on a given property. To exceed 64 square feet a variance is required. The total square footage should be brought below 64 square feet. Secondly, the monument sign exceeds in overall height the 5’ height limit established by previous Board rulings, as well as the 50 square foot total square footage allowable for monument signs within the districts. The monument sign should be reduced in height from 5’ 8” to 5’ and be reduced in overall square footage to below 50 square feet. Additionally, the proposed monument sign requires approval from Traffic Engineering regarding setback and size requirements.

With regard to materials, the Sign Guidelines for Mobile’s Historic Districts and Government Street lists plastic or acrylic as an inappropriate signage material. Staff understands the fluctuating nature of gas prices and inevitability of franchise competition require the constant adjustment gas prices on signage. Taking that reality into account, all the signs should be aluminum-faced, but plastic copies listing the price of gas could be used to reflect the current price of gas on the proposed monument sign.

With regard to illumination, the Sign Guidelines for Mobile's Historic Districts prohibit the use of internally illuminated signage. As proposed, the west-facing canopy sign features internally illumination. Both the canopies should utilize reverse channel LED illumination or some other approved form of lighting.

### **STAFF RECOMMENDATION**

Based on B (3-7), Staff believes the overall signage proposal impairs the architectural and historical character of the district, therefore, Staff does not recommend approval of this application. The total square footage of all signage should be no greater than 64 square feet. The monument sign should not exceed a size of 50 square feet and a height of 5'. All sign faces should aluminum. Plastic copies can afford interchangeability of gas prices on the monument sign. Both the canopy signs should utilize reverse channel illumination or some other form of approved lighting.

### **PUBLIC TESTIMONY**

Mr. Irv Horton was present to discuss the application.

### **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Oswalt asked Mr. Horton if he had clarifications to make or comments to make with regard to the Staff Report. Mr. Horton asked the Board why plastic was deemed an inappropriate signage material. Mr. Roberts explained to the applicant that certain materials are not keeping with the character of the historic districts. He asked Mr. Horton to return to the Board with an application that meets the requirements set by the Sign Design Guidelines for Mobile's Historic Districts and Government Street.

### **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 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.



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

**2010-29-CA: 1616 Government Street**  
**Applicant: Sign Pro**  
**Received: 3/3/10**  
**Meeting: 3/17/10**

**INTRODUCTION TO THE APPLICATION**

Historic District: Leinkauf  
Classification: Non-Contributing  
Zoning: B-2  
Project: Sign Approval – Reinstall the existing signage without internal illumination.

**BUILDING HISTORY**

This application pertains to a unit within a multitenant, non-contributing commercial building now located within the expanded Leinkauf Historic District.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- D. This property last appeared before the Architectural Review Board on February 17, 2010. At that time, the Board approved replacement signage for the easternmost unit within this multi-tenant building. This applicant leases the western unit. The applicant proposes removing the electrical equipment from the internally illuminated wall sign and remounting the sign on the building’s facade.
- E. The Sign Design Guidelines for Mobile’s Historic Districts and Government Street state, in pertinent part:
  - 1. “The overall design of the signage including mounting framework shall relate to the design of the principal building on the property. Buildings with a recognizable style such as Greek Revival, Italianate, Victorian, Queen Anne, Neo-classic, Craftsman, et. al., should use signage of the same style. This can be done through the use of similar decorative features such as columns or brackets.”
  - 2. “For buildings without a recognizable style, the sign shall adopt the decorative features of the building, utilizing the same materials and colors.”
  - 3. “The total maximum allowable sign area for all signs is one and one half square feet per linear front foot of the principal building, not to exceed 64 square feet.”
  - 4. “The size of the sign shall be determined by measuring the area within each face of a geometric shape enclosing all elements of informational or representational matter including blank masking. Structural supports not bearing information shall not be included in the computation of display area.”
  - 5. “The structural materials of the sign should match the historic materials of the building. Wood, metal, stucco, stone or brick, is allowed. Plastic, vinyl or similar materials are

prohibited. Neon, resin to give the appearance of wood, and fabric may be used as appropriate.”

6. “The total allowable square footage for the display area of a monument sign is (50) fifty square feet...”
7. “Lighted signs shall use focused, low intensity illumination. Such lighting shall not shine into or create glare at pedestrian or vehicular traffic, nor shall it shine into adjacent areas. Light fixtures mounted on the ground shall be screened by landscaping.”

F. Scope of Work (per submitted drawing):

1. Remount the existing wall sign without the internal illumination.
  - a. The sign measure 2’ in height
  - b. The sign measures 10 in length.
  - c. The sign is single-faced.
  - d. The total square footage is 20 square feet.
  - e. The linear square footage of the building is 27’ 5”.
  - f. The sign is plastic-faced.

## **STAFF ANALYSIS**

The Sign Design Guidelines for Mobile’s Historic Districts and Government Street list plastic as an inappropriate signage material. While the removal of the internal illumination brings the sign into partial compliance, the sign, if remounted as proposed, would still feature plastic facing. The plastic face should be removed and refaced with aluminum.

## **STAFF RECOMMENDATION**

Based on B (5), Staff believes this application, as proposed, impairs the architectural and historical character of the district. Staff recommends the applicant remove and reface the plastic sign face with aluminum facing.

## **PUBLIC TESTIMONY**

Mr. Blackwell informed the Board that the applicant revised the application. He told the Board that the applicants now proposed mounting a 10’ long by 2’ tall aluminum sign to the building’s southern wall face. The location of the sign and design sign would remain the same.

## **BOARD DISCUSSION**

No discussion took place.

## **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 the application to approve an 10’ by 2’ aluminum wall sign.

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 and that a Certificate of Appropriateness be issued.

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 3/17/11**

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

**2010-30-CA: 362-364 Michigan Avenue**  
**Applicant: Mary Odom for Carlos Barnard Bell**  
**Received: 3/5/10**  
**Meeting: 3/17/10**

**INTRODUCTION TO THE APPLICATION**

Historic District: Leinkauf  
Classification: Non-Contributing  
Zoning: R-1  
Project: New Construction – Construct a single family residence.

**BUILDING HISTORY**

Two vacant lots on the west side of Michigan Avenue comprise this property.

**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 February 17, 2010. The application was tabled for a Design Review Committee. The Design Review Committee convened on February 26, 2010. The applicant’s representatives return to the Board with an altered proposal that reflects comments and feedback from the Staff Report, Architectural Review Board Meeting, and Design Review Committee Meeting.
- B. The Secretary of the Interior’s Standard’s for Historic Rehabilitation and the Guideline’s for New Residential Construction in Mobile’s Historic Districts, in pertinent part:
  - 1. “The goal of new construction should be to blend into the historic district, but to avoid creating a false sense of history. . .
  - 2. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. . .
  - 3. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would not be unimpaired.”
  - 4. “Because of development trends and patterns, the visual character of Mobile’s historic districts can vary within the districts and from street to street. It is possible that a design which is appropriate for one street in a historic district could be inappropriate on an adjacent street. In order obtain compatibility, designers for new buildings may reference “nearby” buildings.” The term “nearby buildings” includes those buildings located on adjacent properties, on the same street, and on streets of a similar character within the

historic district. The term applies only to historic buildings or those which contribute to the historic significance or visual character of the various historic districts and excludes non-contributing buildings.”

5. With regard to placement and scale “Placement has two components: setback, the distance between the street and a building; and spacing, the distance between its property lines adjacent structures. New construction should be placed on the lot so that setback and spacing approximate those of nearby historic buildings, maintaining a visual line created by the fronts of buildings along a street. An inappropriate setback disrupts the façade line and diminishes the visual character of the streetscape. Current setback requirements of the City of Mobile Zoning Ordinance may not allow the majority of existing buildings. If the traditional façade line or “average” setback is considerably less than allowed under the Zoning Ordinance, the Review Board will support an application from the Board of Adjustment to allow for new construction closer to the street and more in character with the surrounding buildings.”
6. With regard to mass “Building mass is established by the arrangement and proportion of its basic geometric components – the main building, wings, porches, the roof and the foundation. Similarity of massing helps to create a rhythm along a street, which is one of the appealing aspects of the historic districts. Therefore, new construction should reference the massing of forms of nearby historic districts.”
7. The foundation, the platform upon which a building rests, is a massing component of a building. Since diminished foundation proportions have a negative effect on the massing and visual character, new buildings should have foundation heights similar in height to those of nearby historic buildings. In most residential areas, buildings are usually elevated above a crawl space on a pier foundation. Pier foundations are encouraged for new residential construction. When slab foundations are constructed, it is important that the height of the foundations relate to that of nearby historic buildings. For this reason, slab-on-grade foundations are not allowed for single family residences. For multi-family, where slab-on-grade is most practical, other design elements such as water tables and exaggerated bases can be effective in creating the visual appearance of a foundation”
8. “A building’s roof contributes significantly to its massing and to the character of the surrounding area. New construction may consider, where appropriate, roof shapes, pitches and complexity similar to or compatible with those of adjacent buildings.”
9. “To preserve the continuity of a historic district, new construction should be in scale with nearby historic buildings.”
10. “New construction should reflect the use of façade elements of nearby historic buildings.”
11. “Designs for new porches should consider porch location, proportion, rhythm, roof form, supports, steps, rails and ornamentation.”
12. “The number and proportion of openings – windows and entrances – within the façade of a building creates a solid-to-void ratio (wall-to-opening). One way of achieving compatibility may be to use windows and entrances that approximate the placement and solid-to-void ratio of nearby historic buildings. In addition, designs for new construction may incorporate the traditional use of window casements and door surrounds. Where a side elevation is clearly visible from the street, proportion and placement of elements will have an impact upon the visual character of the neighborhood and must be addressed in the design.”

#### C. Scope of Work:

1. Construct a two story single family residence with an attached garage.
  - a. The house will rest on a continuous foundation articulated by a continuous water table.
  - b. A configuration of hipped roofs will surmount the house.

- c. The roof will feature 6" overhanging eaves.
- d. The house will feature wooden one-over-one simulated-true-divided-light windows
- e. Lintels surmount the windows.
- f. The house will be faced with a brick veneer.
- g. Shutter dogs will lend the illusion of operability to the wings fixed shutters
- h. A 10' dentilled frieze will surround the house
- i. East Elevation
  - 1. The asymmetrically massed, six bay east elevation measures 64 feet in length.
  - 2. A centrally located two-story body will be surmounted by a hipped roof
  - 3. A three bay monumental pedimented portico with paneled wooden boxed columns will project from the southern portion of the two story body of the façade.
  - 4. A shuttered window will punctuate the portico's tympanum.
  - 5. A six paneled and two one-over windows will comprise the portico's first floor fenestration.
  - 6. The same fenestration pattern will comprise the second story portico fronted fenestration.
  - 7. Single one-over-one windows (one per floor) will comprise the northern portion of the two-story center block's fenestration.
  - 8. A flight of brick steps flanked by antipodia will access the portico.
  - 9. Brick pavers will constitute the porch flooring.
  - 10. Simulated porch piers will extend from the continuous foundation beneath the columns.
  - 11. A single story hipped roof bay with a fixed shutter windows will be located to the south of the east elevation's two story center block.
  - 12. A single one-over-one window will comprise the fenestration of the single story hipped roof northern portion of the east elevation.
- j. South Elevation
  - 13. A large single pane window and two one-over-one windows will comprise the 40' 2 1/2" south elevation's fenestration.
- k. West Elevation
  - 14. A recessed porch with an angled door and pairing of one-over-one light windows flanked by two pairs of one-over-one windows will comprise the southern portion of the west elevation's fenestration.
  - 15. A large projecting blind bay will occupy the northern portion of the west elevation.
  - 16. The west elevation measures 64' in length.
- l. North Elevation
  - 17. Two glazed and paneled metal garage doors and one one-over-one window will comprise the fenestration the 50' long north elevation.

#### Clarifications

- 1. Is the foundation still 2' in height?
- 2. What is the design of façade's second story door?
- 3. What is the design of the west elevation's door?
- 4. What materials comprise the doors?
- 5. What material comprises the lintels?
- 6. What is the exact pitch of the roof?
- 7. Will the windows remain one-over-one or will they feature muntins, applied or integral?

## **STAFF ANALYSIS**

While the revised plans do not take into account all the recommendations recommended by the Board and Staff, the application, as proposed, constitutes a more sympathetic example of infill design. Additional clarifications and recommendations regarding the proposal remain.

As submitted, the elevation drawings lack measurements. Staff requires measured drawings and details for the Board's review. Scale drawings of the frieze and the portico should be included among the detail drawings.

With regard to the portico, Staff recommends the use of a hipped roof as opposed to the proposed pediment. A hipped roof would be consistent with the design's overall roofing configuration. Additionally, a hipped roof would eliminate wooden tympanum, thereby giving all wall surfaces a uniform brick veneer.

## **STAFF RECOMMENDATION**

Pending the clarifications and recommendations listed above, Staff does not believe this application impairs the architectural or historical integrity of the district, therefore recommends approval of this application.

## **PUBLIC TESTIMONY**

Mary Odom was present to discuss the application.

## **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Oswalt asked Ms. Odom if she had any clarifications to make or comments to add with regard to the Staff Report. Ms. Odom answered no. She told the Board that while her architect was unable to attend the meeting, he had executed revised plans that took into account the recommendations and clarifications listed in the Staff Report. Ms. Odom distributed copies of the revised plans.

Mr. Roberts told his fellow Board members that Ms. Odom had been very cooperative during the Design Review Committee meeting. He praised the quality of the proposed design and the materials. Ms. Whitt-Mitchell told the applicant that as resident of the Leinkauf Historic District she was happy to see a submission for residential infill.

Mr. Bemis informed the Board about the proceedings of the Design Review Committee. A discussion of the cornice, dentils, and porch treatments ensued. Ms. Odom was asked if she would alter the proposal to omit the dentil course. Ms. Odom agreed.

## **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 application does not impair the historic integrity of the district and that a Certificate of Appropriateness be issued on the condition that the dentil course be omitted from the design and that the applicant submit molding details for Staff approval.

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 3/17/11**



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

**2010-31-CA: 1255 Dauphin Street**  
**Applicant: Alabama School of Math and Science**  
**Received: 2/12/10**  
**Meeting: 3/17/10**

**INTRODUCTION TO THE APPLICATION**

Historic District: Old Dauphin Way  
Classification: Contributing  
Zoning: B-4  
Project: Renew a Certificate of Economic Hardship.

**BUILDING HISTORY**

This complex of masonry buildings once housed the Dauphin Way Baptist Church. The 1942 sanctuary, an eclectic interpretation of the Romanesque and Byzantine Revivals, faces Dauphin Street. Flanking Style Moderne educational buildings were constructed in 1949. A Christian Life Center was constructed in 1970 to the rear of the sanctuary.

The congregation relocated in the 1980s. The buildings remained vacant for a number of years. Several proposed redevelopment plans did not materialize. In the 1990s, the Alabama School of Math and Science purchased and renovated the property. Subsequent construction has taken place.

**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 18, 2010. At that time, the School’s representative submitted a request for a Certificate of Economic Hardship regarding the retention of the Student Parking lot’s chain link fence. The Board granted the School a Certificate of Economic Hardship on the condition that the School develop a plan to remove the fence and landscape the property. The Certificate of Appropriate was for a period of three months after which the School. Reissue of the Certificate is required after that period of time. Representatives from the School were to have met with neighboring property owners and residents of the Old Dauphin Way Historic District regarding the project. The School was required to submit an interim progress report after six weeks. In the intervening time period, Board and Staff members have met with the representatives of the School. Two graduates of the Master Gardeners program visited the site and developed an alternative proposal. The School submits the attached letter as evidence of and request for an extension of the Certificate of Economic Hardship.
- B. The Design Guidelines for Mobile’s downtown commercial buildings, state, in pertinent part:

1. Fencing “should complement the building and not detract form it. Design, scale, placement, materials should be considered along with their relationship to the Historic District.”
2. “All variances must be obtained prior to the issuance of Certificate of Appropriateness.”

C. Scope of Work:

1. Extend a Certificate of Economic Hardship a second four month period allowing the retention of the chain link fence surrounding the Student Parking Lot.

## **STAFF ANALYSIS**

Here, please find the 2007-2009 financial statements submitted by the School and a letter addressing those statements submitted by an Ann Street resident. Staff is not qualified to adequately assess the particulars of the school’s finances, but based on the School’s fiscal statements and the campus’s physical condition the institution is obviously experiencing financial setbacks.

## **STAFF RECOMMENDATION**

Based on the financial statements submitted by the applicant, Staff recommends that the Certificate of Economic Hardship be extended for an additional one hundred twenty day period.

## **PUBLIC TESTIMONY**

Mary Cousar was present to discuss the application.

## **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Bemis clarified the application. He told the Board that while the School has three budgets, the budgets are mixed. He said that the School is struggling with budget cuts similar to those experienced by the State, the City, and the School Board. He explained to the Board that he and Ms. Cousar had meet with two master gardeners in order to develop a landscape plan for the parking lot. Unfortunately, the plan was delivered later than expected and proved too expensive to execute.

Mr. Ladd asked Mr. Bemis how long the Board could extend the Certificate of Economic Hardship. Mr. Bemis told the Board that the Certificate of Economic Hardship could be renewed indefinitely if the School continued to apply for one and if the Board chose to renew it. Ms. Cousar informed the Board that the cost of extending the Dauphin Street fence around the parking lot would cost an excess of \$100,000. Mr. Ladd asked Ms. Cousar if the School had investigated fundraising. Ms. Cousar answered yes, but said the School faced more pressing concerns. Ms. Cousar explained to the Board that repairing the campus’s buildings and infrastructure, notably the Girl’s Dormitory, constituted a higher priority than the fence. She said that the School’s building maintenance and repair costs amount to approximately \$250,000. Ms. Cousar informed the Board that the School’s priorities were as follows: the stabilization of the buildings; the rehiring and hiring of staff and faculty; and the replacement of the fence.

Mr. Roberts asked Staff about the nature of the financial hardship and the option of denying the request. Mr. Bemis told the Board that a hardship existed. He noted the cuts in funding, the conditions of the buildings, the laying off of staff, and the state of the economy. Mr. Ladd asked Staff if the application was denied would the Board lose its jurisdiction on the retention of the fence. Ms. Baker told her fellow board members and the Staff that she acknowledges the existence of hardship. Still, she said that the Board must

be objective in its consideration of the School's finances. Mr. Bemis said that if the Board would like a third party to go through the School's books it could be investigated.

Mr. Lawler informed the Board there was no reason to doubt the existence of a financial hardship. He told the Board that if denied, the Board's ruling would not stand in either the City Council, or the court of public opinion. Mr. Lawler added that the School's presence benefitted the neighborhood.

Mr. James alluded to the priorities Ms. Cousar enumerated. He said the articulation of priorities alone constituted a sign of progress and consideration. Ms. Baker said that definitive statements should still be submitted for consideration. Ms. Cousar told the Board that if the School could obtain regular funding, issues could then be addressed. She pointed out that while other state schools received regular funding, the Alabama School of Math and Science's funding was not restored following proration. Ms. Cousar said that if the Board granted the extension staff could meet with financial advisers in order to obtain a more definitive statement. If funding is reinstated the School would then be able to better address its priorities.

Mr. Oswalt asked if there was anyone from the audience who wished to speak for or against the application. Fran Hoffman addressed the Board. Ms. Hoffman told the Board that this application had been ongoing for two years. She said that the Board requested a plan. No plan had been submitted. Ms. Hoffman said that she and other neighbors wanted the School to show a sign of goodwill by taking steps to address the parking lot. She talked about the meeting Councilman Carol hosted, pointing out that the School had not followed up on concerns raised.

Ms. Hoffman described the different sections and views of the fence. She said a replacement fence with accompanying landscaping need not be expensive. A wooden privacy fence with planters and landscaped corners could be installed. The work could be done in stages. She told the Board that after two years the School should show a sign of goodwill and take steps to remove the fence and show that it was not above the law.

Ms. Hoffman told the Board that the School and Foundation should set an example. She addressed the School's finances saying that the School submitted audited statements for 2007 and 2008. The same should have been done for 2009 and 2010. She said that the Foundation should be obligated to address the parking lot's fencing, landscaping, and lighting.

Mr. Gant asked Ms. Cousar if the School had considered submitting itemized requests in its fundraising requests. Ms. Cousar said that she would ask the School's Development Office. Mr. Roberts said that any gesture would be helpful. Ms. Cousar said that the money is simply not available at the present time.

Ms. Hoffman said the School needs a strategy. She pointed out that money is spent on travel and operating expenses, but not the campus. Ms. Cousar said that the School had experienced administrative problems. Neglected and unknown concerns were now being addressed, including the deferred maintenance of the buildings.

Mr. Ladd asked Ms. Cousar if the School had investigated getting the students involved in the process. He mentioned that many schools utilize fundraisers and require community involvement. Ms. Cousar said that the student body is heavily involved in community programs. She reiterated the presence of longstanding problems.

Mr. Oswalt reminded the Board that they needed to make a ruling. A discussion of tabling versus holding over ensued. Several failed motions were raised. Mr. Ladd moved to holdover the application for a thirty day period. The motion passed unanimously.