

**ARCHITECTURAL REVIEW BOARD MINUTES**  
**May 20, 2009 – 3:00 P.M.**  
**Pre-Council Chambers, Mobile Government Plaza, 205 Government Street**

**A. CALL TO ORDER**

1. The Chair, Jim Wagoner, called the meeting to order at 3:03. Getrude Baker, Carlos Gant, Kim Harden, Bill James, Tom Karwinski, Bradford Ladd, Harris Oswalt, and Barja Wilson were in attendance.
2. Tom Karwinski moved to approve the minutes of the May 6, 2009 meeting. The motion passed unanimously.
3. Tom Karwinski moved to approve the mid month COAs granted by Staff. The motion passed unanimously.

**B. MID MONTH APPROVALS: APPROVED**

**1. Applicant: Lanier Construction**

- a. Property Address: 1 S. Royal St.
- b. Date of Approval: 05/04/09
- c. Project: Replace existing ATM with a new machine. It will fit exactly in the new opening. There will be no sign charge.

**2. Applicant: Charles Weems for Dr. James K. Simpson**

- a. Property Address: 201 Levert Ave.
- b. Date of Approval: 05/01/09
- c. Project: Install mansard brown colored hip roof over existing modified membrane roof of garage outbuilding. Pitch shall be 1.5:12.

**3. Applicant: Brian Degrego**

- a. Property Address: 656 Church St.
- b. Date of Approval: 01/01/09
- c. Project: Repair tongue and groove porch decking to match existing in profile, dimension, and material. Repaint windows and shutters Roof Top Garden (pale green). Repaint trim Ginger Palm (brown orange). Repaint boy Butterfly Wing (pale brown yellow).

**4. Applicant: Mobile Eye Clinic.**

- a. Property Address: 1365 Government St.
- b. Date of Approval: 04/27/09
- c. Project: Affix tenant panels to previously approved sign.

**5. Applicant: Hargrove and Associates**

- a. Property Address: 24 S. Royal St.
- b. Date of Approval: 01/27/09
- Project: Mount Reverse lit LED channel sign to building's marble face.

**6. Applicant: Douglas B. Kearley**

- a. Property Address: 451 Dauphin St.
- b. Date of Approval: 04/30/09
- c. Project: Paint Building per submitted Mobile Paints colors. Body will be Flo Claire Crocus Yellow. Ironwork will be Savannah Street Dark Brown. Trim and shutters will be DeTonti Square Off White.

**7. Applicant: Tom Steeley**

- a. Property Address: 1451 Dauphin St.
- b. Date of Approval: 05/04/09

- c. Project: Repair soffit and fascia board to match existing in profile, dimension, and material. Install iron railing on left side of front porch. Repair flashing around chimney. Repair back door.

**8. Applicant: Fred Krotine**

- a. Property Address: 165 St. Emanuel St.
- b. Date of Approval: 04/29/09
- c. Project: Update COA of December 4, 2007.

**9. Applicant: Mary S. Zoghby for Boys and Girls Club of South Alabama**

- a. Property Address: 1102 Government St.
- b. Date of Approval: 01/06/09
- c. Project: Affix Boys and Girls Club lettering to Government Street entrance door.

**10. Applicant: Ken McElhaney**

- a. Property Address: 1615 Government St.
- b. Date of Approval: 05/05/09
- c. Project: Clean eaves of house and garage. Paint eaves green to match existing sashes and east side dormer. Repair porte-cochere timbers and reroof existing flat portion with rubberized membrane.

**11. Applicant: Bonnie and Thad Phillips**

- a. Property Address: 200 South Georgia Ave.
- b. Date of Approval: 04/27/09
- c. Project: Repaint house per submitted Sherwin Williams colors.

**12. Applicant: Thomas Shell**

- a. Property Address: 566 Dauphin St.
- b. Date of Approval: 01/06/09
- c. Project: Suspend 3 foot square sign from existing sign frame.

**13. Applicant: Inness Harding for Ron Wilhelm**

- a. Property Address: 1119 Government St.
- b. Date of Approval: 04/30/09
- c. Project: Place a generator to east side of property.

**14. Applicant: Mike Kinnard for Charter South**

- a. Property Address: 412 South Broad St.
- b. Date of Approval: 05/08/09
- c. Project: Place tent on property from May 14<sup>th</sup> to May 19<sup>th</sup>, 2009.

**15. Applicant: Douglas B. Kearley for Charles and Leslie Cutts**

- a. Property Address: 1005 Government St.
- b. Date of Approval: 04/24/09
- c. Project: Paint house per submitted Mobile Paints color scheme.

**C. APPLICATIONS**

1. 045-09: 262 South Monterey St.
  - a. Applicant: Douglas B. Kearley
  - b. Project: Demolish existing garage. Construct a workshop with adjacent patio.  
**APPROVED. CERTIFIED RECORD ATTACHED.**
2. 046-09: 302 Congress St.
  - a. Applicant: Dylan and Stephanie Pace
  - b. Project: Window and door replacement; landscaping approval; fencing approval; painting approval.  
**APPROVED AS AMENDED. CERTIFIED RECORD ATTACHED.**
3. 047-09: 507 St. Francis St.
  - a. Applicant: Mark O. Jackson
  - b. Project: Replace deteriorated siding. Replace deteriorated and later windows.  
**TABLED. CERTIFIED RECORD ATTACHED.**

4. 048-09: 412 South. Broad St.
  - a. Applicant: Mike Kinnard for Marvin Hewatt Enterprises
  - b. Project: New Construction.

**TABLED. CERTIFIED RECORD ATTACHED.**

5. 049-09: 1760 Dauphin St.

- c. Applicant: William Graham
- b. Project: Fencing Approval.

**APPROVED. CERTIFIED RECORD ATTACHED.**

#### **D. OTHER BUSINESS**

1. 412B Dauphin Street
2. Guidelines
3. Discussion

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

**045-09-CA:** 262 South Monterey Street  
**Applicant:** Douglas B. Kearley for Randy and Stacy Week  
**Received:** 04/27/09  
**Meeting:** 05/20/09

**INTRODUCTION TO THE APPLICATION**

Historic District: Leinkauf  
Classification: Contributing Property  
Zoning: R-1  
Project: Demolish existing garage; construct a new ancillary structure with adjacent patio.

**BUILDING HISTORY**

This house 1909 house melds the vernacular tradition of the Gulf Coast with the Arts and Crafts mentality of life and design.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. On November 5, 2009 the Board granted the applicants approval to demolish the existing garage and construct a new ancillary structure in its place. The applicants return to the Board with a modified proposal.
- B. The state Design Review Guidelines for Mobile’s Historic Districts in pertinent part:
  - 1. “An accessory structure is any construction other than the main building on the property. The appropriateness of accessory shall be measured by the guidelines applicable to new construction. The structure should complement the design and scale of the main building.”
- C. Scope of Work (per submitted plan):
  - 1. Demolish existing one-story ancillary structure
  - 2. Construct a one-story ancillary structure per submitted plans
    - A. Measures 12’ x 25’;
    - B. Features Hardie shingles laced at the corners to match those on main house
    - C. East Elevation
      - 1. Features a glazed and paneled overhead door
    - D. North Elevation
      - 1. Features glazed wood door
      - 2. Features two four-over-four wood windows
    - E. West Elevation
      - 1. Features one four-over-four wood window
  - 3. Construct Brick 10’ x 10’ brick patio off north elevation

## **STAFF ANALYSIS**

The Board previously approved a plan allowing the demolition of the existing garage and the construction of a new ancillary structure. The new proposal has many of the same features as the one approved last November. The design complies with the guidelines. This structure reflects the main house in both form and detail. Therefore, staff recommends approval.

## **PUBLIC TESTIMONY**

Douglas Kearley was present to discuss the application.

## **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Karwinski asked the applicant about the material composition of the garage door. Mr. Kearley informed the Board that the proposed doors are made of a polymer with an insulated wood finish.

## **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.

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.

**Certificate of Appropriateness Expiration Date: 5/20/10**

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

**046-09-CA: 302 Congress Street**  
**Applicant: Dylan and Stephanie Pace**  
**Received: 05/11/09**  
**Meeting: 05/20/09**

**INTRODUCTION TO THE APPLICATION**

Historic District: DeTonti Square  
Classification: Contributing  
Zoning: R-B, Residential Business  
Project: Window and Door Replacement; Landscaping Approval; Fencing Approval.

**BUILDING HISTORY**

Though parts of this house date to the 1867, the building underwent extensive renovations during the late nineteenth and early twentieth centuries. The first story façade dates from the 1920s, while the shingled gable above dates from 1900.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. This property last appeared before the Board in April 2005. At that time a previous owner submitted an application for a second story connector between the main house and rear garage. The application was denied. The applicants then made an unsuccessful appeal to City Council. The current owner applicants acquired the property in April of this year. Prior to the applicant’s purchase, the previous owner removed window frames and casings as well as making other unapproved alterations to the building.
- 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 the building help establish the historic character of a building.”
  - 2. “The size and placement of new windows for additions or alterations should be compatible with the general character of the building.”
  - 3. “Doorways reflect the age and style of a building. Original doors and openings should be retained along with any moldings, transoms, or sidelights. Replacements should respect the design and style of the house.
  - 4. “The exterior material of a building helps define its style, quality and historic period. The original siding should be retained and repaired. Replacement of exterior finishes, when required, must match the existing in profile, dimension and material.”
  - 5. Fencing “should complement the building and not detract from it. Design, scale, placement and materials should be considered along with their relationship the Historic District.”
  - 6. “Landscaping can often assist in creating an appropriate setting. Asphalt is inappropriate for walkways. Gravel and shell are preferred paving materials. Hard surfaces may also be acceptable.”

7. Ordinances relating to parking and landscaping will be enforced by the City of Mobile Urban Development Department in reviewing requests for parking.”
- C. Scope of Work:
1. South Elevation
    - a. Remove first story steel casement windows
    - b. Replace steel casement windows with wooden six-over-six wood true-divided-light windows
    - c. Replicate upper window sashes of gable windows in the lower sashes of same frames
    - d. Remove later six paneled door
    - e. Replace six paneled door with fifteen light wood French door
  2. East Elevation
    - a. Remove steel casement windows
    - b. Replace steel casement windows with six-over-six wood true-divided-light windows
  3. North Elevation (Rear)
    - a. Remove one-over-one first-story windows
    - b. Replace one-over-one windows with glass blocks
    - c. Remove center vinyl clad aluminum window in gable
    - d. Replace window with six-over-six wood true divided light window
    - e. Install six over six wood true-divided-light windows in frames flanking center gable window
  4. West Elevation
    - a. Remove ply board infill in closed doors
    - b. Stucco wall
    - c. Remove deteriorated French door opening onto porch
    - d. Replace French door with a fifteen light wooden French door
    - e. Remove door opening onto present drive
    - f. Replace door with fifteen light wooden French door
    - g. Remove door on rear ell
    - h. Replace door with fifteen light wood French door
    - i. Remove existing windows
    - j. Replace steel casement windows with six-over-six wood true-divided-light windows
    - k. Alter the level of fourth window
  5. Paint house per submitted Devoe Paint color scheme
    - a. Body – Shenandoah (Green)
    - b. Trim - Baby Girl (White)
    - c. Accent – Crowhill (Green)
  6. Remove existing wooden driveway gate
  7. Replace gate with a stuccoed masonry wall with central opening
    - a. wall to be located behind current utility connection
  8. Install an oyster shell drive
  9. Pave Backyard with Brick
  10. Install a Concrete pad for dog kennel

#### Clarifications

1. Design of proposed driveway wall and gate

#### **STAFF ANALYSIS**

This house has undergone many alterations. The 1867 masonry, single story nucleus is discernable only in portions of the interior. The 1900 Queen Anne remodeling survives in the south facing gable. The previous owner's interventions greatly comprised the historical integrity of the house.

Concerning the south elevation, the previous owner removed the steel casement windows off the front porch, replacing them with vinyl windows sash windows. The applicants want to remove these later insertions and replace them with six-over-six wooden true-divided-light windows. The lower sashes of the gable windows are missing which allows deterioration of the house's interior fabric. The applicants want to replicate the surviving upper four-over-four sashes in the lower portion of the window. This change would return the gable to its 1900 appearance. The existing six panel front door is not of historical significance. The applicants propose replacing the door with a fifteen light wooden French door. A west facing French door also found on the front porch was part of the structure's 1920s remodeling. The 1920s front door was likely a French door. The replacement of the existing front door with a French door would reinforce the Mediterranean appearance of the ground floor façade. Staff believes proposed changes to the south elevation do not impair the historic or architectural character of the house, therefore recommends approval.

The east elevation is obscured by recent historical infill and is only minimally visible from the street. The applicants would like to replace a deteriorated one-over-one window with the same wood true-divided-light windows proposed for the façade. In addition, they would like to replace all the steel casement windows on this elevation with the same six-over-six windows proposed for the other elevations, but defer to the Staff and Board's recommendations. Given the many changes this property has seen throughout the years, the building lacks a distinct architectural style. While the steel casement windows contribute to the 1920s appearance, Staff believes the removal of the steel casement windows and their replacement with other historically accurate windows does not result in an impairment of the historic or architectural character of either the property or the district. Staff would like to leave this open for discussion with the Board.

The rear or north elevation is a result of numerous additions. The applicants would like to replace the one-over-one windows with glass blocks. One of these windows opens onto a utility closet. Staff recommends approval of changes to the north elevation.

The fenestration of the west elevation has been modified on a number occasions. The applicant wants to replace the existing windows (a mixture of six over six and modern aluminum windows) with wooden true-divided-light windows. One of the windows would be lowered to its original sill level thus regularizing a portion of the elevation. The removal and replacement of ply board door coverings with stucco would unify the façade and reiterate the Mediterranean informed 1920s remodeling. The replacement of two deteriorated doors with wooden French doors would further this objective. Staff recommends approval for the changes to the west elevation.

The removal of the wooden gate and its replacement with a stuccoed wall set further within the drive would allow for both additional parking and easier access to the house. A design of the wall and gate is needed. Staff recommends approval of the fencing and paving proposals, pending the clarification of the former and approval of the latter by the Department of Urban Development.

## **PUBLIC TESTIMONY**

Stephanie Pace was present to discuss the application.



## **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Karwinski informed the applicant that crushed oyster shells would be more appropriate than whole oyster shells for the driveway. He told Ms. Pace that crushed limestone would be an alternative paving material if oyster shells proved to be unavailable. Mr. Karwinski asked the location of the property's western property line. Ms. Pace told the Board that the wall of the neighboring house marks the western property line. The Board asked the applicant if she obtained her neighbor's consent to the construct the proposed wall in the driveway. Ms. Pace said she had been granted permission. Mr. Karwinski asked the applicant for detailed plans of the driveway wall. The Board asked the applicant about the finish of the proposed wall. The applicant told the Board that she intends to paint the wall the same color as the body of the house. Mr. Roberts asked the applicant about the proposed window treatment of the north gable. Staff explained to the Board that the applicant proposes placing six-over-six true divided light windows in the three windows. Mr. Roberts and Ms. Harden suggested that the existing vinyl clad nine-over-six window be replaced with wooden window of the same configuration.

## **FINDING OF FACT**

Mr. Karwinski moved that, based upon the evidence presented in the application and during the public testimony, the Board finds the facts in the Staff report, amending fact C (3) d to replace nine-over-six window with a true-divided-light nine-over-six window and fact C (8) to install a crushed gravel or limestone drive. Additionally, the applicant is to provide Staff with a detailed plan of the proposed wall for midmonth approval

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.

**Certificate of Appropriateness Expiration Date: 5/20/10**

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

**047-09-CA:** 507 St. Francis Street  
**Applicant:** Mark O. Jackson  
**Received:** 05/05/09  
**Meeting:** 05/20/09

**INTRODUCTION TO THE APPLICATION**

Historic District: Dauphin Street Commercial  
Classification: Non-contributing  
Zoning: B-4  
Project: Siding and window replacement; new construction

**BUILDING HISTORY**

This house dates from 1908. It was originally a two-story house with tiered side porches. The building served as a multi-tenant property. The second story has since been removed.

**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 house last appeared before the Board on November 27, 2006. A previous owner proposed to demolish the building. The request was denied. The present applicant acquired the property in 2008. Staff granted a midmonth approval to stabilize the house on February 5, 2009. The midmonth did not include a provision authorizing the removal or replacement of siding or windows. The applicant proceeded to remove the existing siding and windows. Staff received a 311 notification. Subsequently, Staff visited the site and granted a midmonth “to replace siding in kind,” but the applicant was informed he would need to appear before the Architectural Review Board. The applicant continued to go beyond the approved scope of work on both this property and the adjacent property, 505 St. Francis Street. A Notice of Violation was issued on May 6<sup>th</sup>. A stop work order was issued on May 11<sup>th</sup>.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “The exterior material of a building helps define its style, quality and historic period. The original siding should be retained and repaired.
  - 2. “Replacement of exterior finishes, when required, must match the existing in profile, dimension and material.”
  - 3. “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. Original windows should be retained as well as original sashes and glazing.”
  - 4. “Where windows cannot be repaired, new windows must be compatible to the existing. 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:
  - 1. Remove deteriorated wooden novelty (2 1/2”-3” reveal) lap siding
  - 2. Remove deteriorated drop-lap siding

3. Replace entire wood siding with new, wood drop-lap siding
4. North Elevation
  - a. Remove tripartite grouping comprised of six-over-six double hung sash windows
  - b. Replace windows with two wood frame windows with non-divided lights
5. West elevation
  - a. Remove metal windows
  - b. Replace windows with wood double sash windows with non-divided lights
6. East Elevation
  - a. Remove two metal and four six-over-six wood frame windows
  - b. Replace windows with wooden double sash windows with non-divided lights
6. Construct off south elevation

## **STAFF ANALYSIS**

This building was in a dilapidated state. The ARB has received demolition requests for this property in the past, as it was being sited for blight.

Wooden drop-lap siding covered the entire west and south elevation of the house. The same siding surrounded the area around the door of the north elevation. Staff recommends that the in kind replacement of siding be approved for the west elevation. The same siding is recommended for the new addition.

There was deteriorated, novelty lap siding on the east elevation. More likely than not, this was the original, historic siding remaining on this elevation. The applicant has since removed this siding and replaced it with drop siding to match the replacement siding on the other elevations. While the guidelines call for new siding to match the historic siding, Staff recognizes that this residence underwent many changes throughout the years. Staff views this work as an after the fact approval for the Board to consider.

The applicant is amenable to the Staff's recommendation of replacing the non-divided light wood windows on the north elevation with windows with true divided lights. The windows on west elevation and the addition were metal. There were four six-over-six wood frame windows on the east elevation and three on the north.

Under the guidelines, replacement windows must match the existing historic windows. As a general rule, the ARB requires applicants to utilize true divided light wood windows when those were present historically, barring any compelling or unusual circumstances. Staff recommends the Board deny the application for the new windows. Staff recommends the applicant be required to either repair and reinstall the existing six-over-six windows or buy new wood windows which match the historic windows in profile, dimension and design.

In addition, Staff encourages the Board to advise the applicant to retain existing architectural features (including historic doors, trim and windows) presently seen on the site for reuse as necessary.

## **PUBLIC TESTIMONY**

Mark O. Jackson was present to discuss the application.

## **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Roberts asked about the applicant if there would be two or three windows on the façade. Mr. Jackson said there would be three. Mr. Wagoner asked Mr. Jackson if he salvaged any the original window, door, and siding treatment. Mr. Jackson informed the Board that he retained the interior doors. He said the wooden windows were rotten. The applicant told the Board that three different types of siding covered the house. Ms. Harden asked Staff to clarify the original appearance of the west elevation. Staff informed the Board that a two-tiered gallery extended the length of the west elevation. Ms. Harden then said that the drop lap siding removed from the west elevation constituted infill. She added that the present uniform siding removed all exterior evidence of the original porch configuration. The Board then discussed the windows, the front, door, and rear addition. The Board asked that the applicant submit a complete submission for all the work. The applicant told the Board that when he acquired the property it was termite infested. Mr. Roberts asked Mr. Jackson if he knew the property was in a historic district. Mr. Jackson said he was aware. Mr. Wagoner asked the applicant if he had obtained a building permit. He answered yes. That permit applied only to foundation stabilization and internal improvements. Mr. Roberts stated that he had no problem with wooden one-over-one windows. Mr. Wagoner said the best solution was to table the application. Mr. Karwinski seconded the motion.

## **FINDING OF FACT**

Mr. Karwinski moved that this application be tabled. The applicant was asked to provide Staff with a full proposal by Tuesday, May 26<sup>th</sup>.

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

**048-09-CA:** 412 South Broad Street  
**Applicant:** Mike Kinnard; Marvin Hewatt Enterprises  
**Received:** 04/27/09  
**Meeting:** 05/20/09

**INTRODUCTION TO THE APPLICATION**

Historic District: Oakleigh Garden  
Classification: Non- contributing Property  
Zoning: B-2  
Project: New Commercial Construction

**BUILDING HISTORY**

This property is a vacant parcel located on South Broad between Elmira and Selma streets.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. The applicants proposed construction of a new, multi-tenant gas station at this site, featuring both a convenience store and a canopy over the gas pumps. The site comprises almost half of an entire city block and contains many live oaks and foliage. Adjacent to this vacant lot, there are residences to the north (across Selma); a historic church and commercial property to the east (across Broad), and commercial to the south (across Elmira). There are residences located on the rear and sides of the block, contiguous to this property.
- B. The Mobile Historic District Guidelines for New Commercial Construction state, in pertinent part:
  - 1. **“Placement and Orientation:** Placement has two components: setback, the distance between the street and a building; and spacing, the distance between its property lines and adjacent structures. New construction should be placed on the lot so that setback and spacing approximate those of nearby historic buildings. New buildings should not be placed too far forward or behind the traditional “facade line”, a visual line created by the fronts of buildings along a street. An inappropriate setback disrupts the facade line and diminishes the visual character of the streetscape. Current setback requirements of the City of Mobile Zoning Ordinance may not allow the building to be placed as close to the street as the majority of existing buildings. If the traditional facade line or “average” setback is considerably less than allowed under the Zoning Ordinance, the Review Boards will support an application for a Variance from the Board of Adjustment to allow for new construction closer to the street and more in character with the surrounding historic buildings.
  - 2. **MASS:** Building mass is established by the arrangement and proportion of its basic geometric components - the main building, wings and porches, the roof and the foundation. Similarity of massing helps create a rhythm along a street, which is one of the appealing aspects of historic districts. Therefore, new construction should reference the massing of forms of nearby historic buildings.

- a. **FOUNDATIONS:** 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 massing and visual character, new buildings should have foundations similar in height to those of nearby historic buildings.
  - b. **MAIN BODY AND WINGS:** Although roofs and foundations reinforce massing, the main body and wings are the most significant components. A building's form or shape can be simple (a box) or complex (a combination of many boxes or projections and indentations). The main body of a building may be one or two stories. Interior floor and ceiling heights are reflected on the exterior of a building and should be compatible with nearby historic buildings.
  - c. **ROOFS:** 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 historic buildings.
3. **SCALE:** The size of a building is determined by its dimensions - height, width, and depth - which also dictate the building's square footage. Scale refers to a building's size in relationship to other buildings - large, medium, small. Buildings which are similar in massing may be very different in scale. To preserve the continuity of a historic district, new construction should be in scale with nearby historic buildings.
  4. **FAÇADE ELEMENTS:** Facade elements such as porches, entrances, and windows make up the "face" or facade of a building. New construction should reflect the use of facade elements of nearby historic buildings. The number and proportion of openings - windows and entrances - within the facade of a building creates a solid-to-void ratio (wall-to-opening). New buildings should use windows and entrances that approximate the placement and solid-to-void ratio of nearby historic buildings. In addition, designs for new construction should incorporate the traditional use of window casements and door surrounds. Where a side elevation is clearly visible from the street, proportion and placement of their elements will have an impact upon the visual character of the neighborhood and must be addressed in the design.
  5. **MATERIALS AND ORNAMENTATION:** The goal of new construction should be to blend into the historic district but to avoid creating a false sense of history by merely copying historic examples. The choice of materials and ornamentation for new construction is a good way for a new building to exert its own identity. By using historic examples as a point of departure, it is possible for new construction to use new materials and ornamentation and still fit into the historic district. Historic buildings feature the use of a variety of materials for roofs, foundations, wall cladding and architectural details. In new buildings, exterior materials – both traditional and modern - should closely resemble surrounding historic examples.

C. Scope of Work (per submitted plan):

1. Overall Site Work
  - a. Clear all top soil and vegetation
    1. Need to consult Urban Forestry for tree removal approval
  - b. Pave with a combination of asphalt and concrete the area containing the building pads and parking lot
    1. Need specifications on transition from asphalt to concrete
  - c. Two drive ways fronting S Broad Street, 35' wide
  - d. One driveway fronting Elmira Street 35' wide
  - a. Dumpster located in northwest corner of site
2. Construct a one-story commercial structure per submitted plans,
  - a. Store dimensions are 122' by 50' single story convenience store

- b. Situated approximately 115' from the Broad Street
  - 1. Need distance from Elmira Street
- c. East (main elevation) Elevation Details
  - 1. features three distinct store fronts with columns, casement windows, lamps and pilasters interspersed per submitted plan
- d. South and North Elevation
  - 1. features pilasters, awning and two faux windows with false "crane house" blinds and 4" raised stucco trim surround
- e. West Elevation
  - 1. features 3 exterior doors covered with bracketed awning, six faux windows with blinds and trim to match those on the sides,
- f. Materials include
  - 1. aluminum store front system
  - 2. stucco walls above 4' split CMU base
  - 3. stucco parapet
  - 4. pre-cast trim work
  - 5. metal awning with Permatile 24 gauge terracotta roof and awnings
  - 6. 30" by 30" by 6" -- "Massive Arch" brackets
  - 7. doors appear to be metal with glass commercial doors and metal flush doors in the rear
- g. Construct a covered gas station area
  - 1. situated approximately 25' from the Broad Street
    - a. Need distance from Elmira Street
  - 2. Dimensions are 136' wide and 24' deep
  - 3. featuring
    - a. five gas pumps
    - b. Metal permatile 24 gauge terra cotta roof
    - c. Stucco pillars over 4' split face CMU
    - d. 30" by 30" by 6" -- "Massive Arch" brackets (to match those on the main building)

## B. CLARIFICATIONS

- 1. Site plan clarification regarding distance from Elmira Street and paving materials
- 2. Elevation clarifying changes in grade, the application of concrete to the site, height of the finished building floor and ceilings
- 3. Input from Urban Forestry
- 4. Detail drawing showing relationship between window, storefronts, awnings and columns
- 5. Material of rear doors

## STAFF ANALYSIS

When evaluating new commercial construction in historic districts, the ARB determines the appropriateness of the proposed project by evaluating several key factors. These factors are site placement and orientation, mass, scale, façade elements, materials and ornamentation.

Comparing the proposed site plan to that of nearby historic properties is a key component to determining whether or not the new construction is appropriate for the district. Under the guidelines, new construction in historic districts should be setback and situated in relation to other structures on the street. Likewise, the city's zoning code, utilizing the Historic District Overlay specifications, provides for

narrower setbacks in order to bring the new construction in line with other historic structures along the street.

Along South Broad Street, there is a mixture of residential and commercial structures. Most of the commercial structures are in close proximity to the right of way. For instance, the adjacent commercial property at South Broad Street and Elmira is situated approximately 9' from the South Broad Street curb. Directly across the street, there are two commercial structures which are situated within one foot of the sidewalk. Further north along South Broad, at the corners of both Charleston and Savannah, the commercial structures abut the sidewalk. The proximity of these structures to the street reflects the traditional nature of the streetscape and contributes to the historic landscape.

Given the precedent set in the neighborhood for commercial construction to be in close proximity to the street (i.e., no further than 9' from the curb in the immediate vicinity), Staff believes the proposed site plan for this project, which situates the gas canopy 25' from the curb and the main building 115' from the curb, is not appropriate to the existing, historic commercial context found along South Broad Street. Staff encourages the applicant to resubmit altered site plans which rework the parking lot, gas station and building footprint to allow for the main structures to be closer to Broad Street.

Other factors considered include the overall scale of the proposal, choice of materials and ornamentation. As with other nearby commercial structures, the proposal seems to indicate that the building will be located at grade atop concrete slab. Staff finds this appropriate for the district, but would like drawings specifically illustrating the buildings height from the ground. In other words, its unclear from the drawings how much in fill soil work will take place or whether there will be a curb from the parking lot to the store, etc. However, since the property is one story, with 10' ceilings (approximately) and 17' total height, Staff finds the overall scale of the building appropriate to the district.

The proposal's design seeks to instill a traditional sense of style, utilizing Mediterranean revival motifs, with contemporary use. Staff does note, however, the application of split face CMU to the base of the proposed structure lacks precedent as a commercial structure in the nearby neighborhood. The adjacent commercial structures are masonry. Mediterranean revival inspired commercial structures would have had stucco from floor to ceiling. Given the application of brackets and tile roof, Staff finds the design conducive to the neighborhood. Staff also finds the window fenestration and the use of shuttered and real windows compatible. However, Staff recommends applicants consider pulling the windows (both blind and real) away from the CMU wall base and potentially align the windows with the tops of the storefront plate glass (if they are not already). Staff would like a drawing detailing these changes with exact dimensions. Further, a detail drawing showing the relationship between the Tuscan columns and storefront pilasters would be useful.

Overall, though, Staff is most concerned about the site plan and recommends adjustments to the plan be made in order for the proposal to be more in keeping with adjacent historic structures along South Broad street. Staff recommends the application be tabled and a design committee be established to work with the applicant

## **PUBLIC TESTIMONY**

Doug Anderson, Marvin Hewatt, and Mike Kinnard were present to discuss the application.

## **BOARD DISCUSSION**



The board discussion took place concurrently with the public testimony. Mr. Roberts asked what type of fencing the applicants proposed to use along the west property line. The applicants informed the Board they propose using a wooden privacy fence for the west property line. The Board asked the applicants about the proposed design. The applicants informed the Board that the design would be similar the convenience stores on Old Shell Road & Sage Avenue and Spring Hill Avenue & Catherine Street. Mr. Roberts moved that the proposal be tabled for a Design Review Committee. Ms. Harden, Mr. Wagoner, Mr. James, and Ms. Wilson volunteered to serve on the Committee. The applicants informed the Board that they are holding a meeting the Oakleigh Garden District Society at All Saint's Episcopal Church on Tuesday, May 26<sup>th</sup> at 6:30 pm. Chip Herrington, the president of the Oakleigh Garden District Society, stated that area residents were greatly concerned about the proposal. They will be able to address there concerns at the public meeting. Mr. Geoffrey Jones told the Board that a double standard existed in the City's treatment of commercial development. Mr. Wagoner informed Mr. Jones that the Architectural Review Board's authority was limited to determining whether external work impaired the architectural and historical character of buildings within the City's historic districts.

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

**049-09-CA:** 1760 Dauphin Street  
**Applicant:** William Graham  
**Received:** 04/29/09  
**Meeting:** 05/20/09

**INTRODUCTION TO THE APPLICATION**

Historic District: Old Dauphin Way  
Classification: Contributing  
Zoning: R-1  
Project: Fencing Approval.

**BUILDING HISTORY**

This classically detailed house dates from 1906. It combines the L-shaped form of a late Victorian house with the generous proportions and prominent porch of the Gulf Coast Creole cottage.

**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 house last appeared before the Board on March 21, 2008. The applicants received approval to construct a two-car wooden carport with a storage room. The fencing enclosing the backyard was removed to facilitate the construction of the fence. The applicants return to the Board with a fencing proposal.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “Fences “should complement the building and not detract from it. Design, scale placement and materials should be considered along with their relationship to the Historic District.”
  - 2. “The height of solid fences is usually restricted to six feet, however, if a commercial property or multi-family housing adjoins the subject property, an eight foot fence may be considered.”
  - 3. “The finished side of the fence should face toward public view.”
- C. Scope of Work:
  - 1. Remove remaining sections of existing six foot wood privacy fence
  - 2. Construct a seven foot wooden privacy fence with a one foot lattice top per submitted plan
    - A. Fence to extend from 3’ behind the east-facing side porch 12.7’ to the east property line
    - B. Fence will extend northward for the remaining length of east property line
    - C. Fence will extend across the north property line stopping six feet before the the sidewalk off Gladys Street
  - 3. Construct a six foot wooden privacy fence at the point the eight foot fence stops
    - A. Fence to extend to the northwest corner of the lot
    - B. Fence will run at an angle along Gladys Street to a point slightly west of the northwest corner of the house
  - 6. Suspend a six foot aluminum gate over driveway entrance

### C. Clarification

1. What direction will the gate open – inward or outward?

#### Clarification

1. In which direction will the driveway gate open?

### STAFF ANALYSIS

The height of solid fencing in the historic districts is normally restricted to six feet. Concerns for privacy and security motivated the applicant's proposal. Multi-family rental properties surround their lot. The Board considers proposals for fencing up to eight feet when multi-family housing abuts a property. In the past the Board has denied requests for lattice topped fencing. The applicant constructed one panel of the proposed eight foot fencing to show the Board its appearance. While staff recommends approval of the proposal in concept, the executed portion of the fence exceeds eight feet. Pending the clarification of the swing of the gate, observance of the eight foot height limit, and removal of the lattice top, Staff recommends approval.

### PUBLIC TESTIMONY

Laura Linn was present to discuss the application. Ms. Linn first addressed the Staff's clarifications. The proposed gate will be a sliding single panel design. Ms. Linn then clarified the height of the fence. The area where the sample panel was constructed was once a raised flower bed. When the flower bed was removed to construct the new fence the grade was lowered at places, thus increasing the height of the fence from certain locations. At those locations the fence would be 8'1" and 8'3" in height. Ms. Linn said the proposed fence will enclose a courtyard space. The proposed lattice top will make the fence seem less obtrusive thereby allowing the increased height to overpower the enclosed space.

### BOARD DISCUSSION

The board discussion took place concurrently with the public testimony. Mr. Wagoner asked Staff if the Guideline's forbade the use of lattice top fencing. Mr. Bemis told the Board that the Guidelines did not forbid lattice top privacy fences, but it had the Board's practice in recent years to deny requests for lattice top fences on the grounds that they were historically inaccurate. Mr. Roberts and Mr. James stated they found no fault with applicant's fence design. Mr. Karwinski asked Ms. Linn if she and Mr. Graham considered making the proposed six foot fence on the west side the house parallel the Gladys Street sidewalk rather than allowing the fence to continue the plane of the house. Ms. Linn said they had not considered making the fence parallel the sidewalk on account of the size of the backyard, the existing landscaping, and the placement of the carport. Mr. James asked the reasoning behind the Board's stance on lattice topped privacy fencing. Mr. Bemis told Mr. James that lattice tops can be handled in different ways. While a 1' lattice top is acceptable in some cases, two feet or more impairs the historical and architectural character of buildings and districts. Mr. Bemis added that if lattice is allowed in this case, it will set a precedent for future proposals. Mr. Roberts stated that he would like to establish a uniform type of privacy fencing for the historic districts. In doing so the treatment of wood privacy fencing would be regularized as well as being made less obtrusive. Mr. James asked Ms. Linn the location of the multifamily housing abutting the property. Ms. Linn informed the Board that multifamily housing is located to the east and the north sides of the property. She added that the 8' height was in scale with the proportions of the main house. Mr. Wagoner stated that an 8' height is applicable for this proposal, but the question of the lattice top needed to be addressed. Mr. Bemis reiterated that the Board's decision would have implications since the question is not one of attractiveness, but one of impairment. Ms.

Harden asked Ms. Linn if the eight foot portions are highly visible from the street. Ms. Linn informed the Board that landscaping would obscure the fence from passerby on Dauphin Street. When driving south on Gladys Street, the neighboring apartment building would largely block the view of the fence. The Board asked where the fence would step up from 6' to 8' on the north lot line. Ms. Linn told the Board that the fence would step up after the a large tree seen in Staff's photographs.

A vote took place whereby seven voted in favor of considering lattice top fencing on a case by case basis. Two voted against.

### **FINDING OF FACT**

Bill James moved that, based upon the evidence presented in the application and during the public testimony, the Board finds the facts in the Staff report.

### **DECISION ON THE APPLICATION**

Bill James moved that, based upon the facts as amended by the Board, the application does not impair the historic integrity of the district or the building and that a Certificate of Appropriateness be issued.

| **Certificate of Appropriateness Expiration Date:**      **5/20/10**