

ARCHITECTURAL REVIEW BOARD MINUTES

October 4, 2017 – 3:00 P.M.

Multi-Purpose Room, 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: Harris Oswalt, Robert Brown, Bob Allen, John Ruzic, Nick Holmes III, Catarina Echols, and David Barr.
Members Absent: Jim Wagoner, Steve Stone, Carolyn Hasser, Craig Roberts, and Kim Harden.
Staff Members Present: Cartledge W. Blackwell, Florence Kessler, Bridget Daniel, and Paige Largue.
2. Mr. Brown moved to approve the minutes for both the September 20, 2017 meeting. The motion received a second and was approved unanimously.
3. Mr. Allen asked for clarification on Midmonth No. 1, 126 Government Street. Mr. Holmes explained a metal cap is often placed over the parapet wall. Mr. Blackwell stated staff would email Mr. Allen if this was not why the midmonth was granted. Mr. Holmes moved to approve midmonth COA's granted by Staff. The motion received a second and was approved with one in opposition, Mr. Robert Allen.

B. MID MONTH APPROVALS: APPROVED.

1. **Applicant: MDM, LLC.**
 - a. Property Address: 126 Government Street
 - b. Date of Approval: 9/11/2017
 - c. Project: Reroof and replace guttering and drains with sheet metal over parapet walls.
2. **Applicant: Carmen Dye**
 - a. Property Address: 304 N. Claiborne Street
 - b. Date of Approval: 9/11/2017
 - c. Project: New 10' wide drive way, Old Mobile or Chicago brick borders with five brick dividers and exposed pea gravel, and city standard apron; A new 19' x 14' concrete patio area, with a 10'-7" x 8'-7" slab for a future storage shed located 3'-6" from the rear property line; a new 3'-6" wide brick walkway along edge of concrete patio, from house to 3'-6" from rear property line. (Shed will require both CRC and ARB approval.)
3. **Applicant: Laclede**
 - a. Property Address: 150 Government Street Suite 1001
 - b. Date of Approval: 9/11/2017
 - c. Project: Powerwash building and paint in existing scheme.
4. **Applicant: Dale Short**
 - a. Property Address: 10 S. Conception Street
 - b. Date of Approval: 9/12/2017
 - c. Project: Repaint to match existing.

5. **Applicant: Dale Short**
 - a. Property Address: 12 S. Conception Street
 - b. Date of Approval: 9/12/2017
 - c. Project: Repaint window sashes and frame light blue to match logo of "Sno Dash."
6. **Applicant: Bradford Ladd**
 - a. Property Address: 2301 DeLeon Avenue
 - b. Date of Approval: 9/12/2017
 - c. Project: Install four four or five foot high metal fencing of picket design. Said fence will enclose the side and rear portion of the property (well behind the parcel line). Landscaping will shield said fencing. Repair the driveway with pavers. The same pavers will surface a rear terrace.
7. **Applicant: Stephen Dolan**
 - a. Property Address: 1512 Dauphin Street
 - b. Date of Approval: 9/12/2017
 - c. Project: Reroof house and garage with slate gray dimension shingle.
8. **Applicant: David Inge**
 - a. Property Address: 254 St. Anthony Street
 - b. Date of Approval: 9/14/2017
 - c. Project: Remove section of a 1960's brick wall from SW corner of lot to vehicular drive. Bricks will be repurposed on site at a later date.
9. **Applicant: Becca Shaw**
 - a. Property Address: 1323 Old Shell Road
 - b. Date of Approval: 9/14/2017
 - c. Project: Reroof with GAF architectural shingles in approved color.
10. **Applicant: Philip McDonald**
 - a. Property Address: 300 McDonald Avenue
 - b. Date of Approval: 9/14/2017
 - c. Project: Repair back porch - deck boards and stairs. Stain to match color of house - Colonial Grey.
11. **Applicant: Noel Hanley**
 - a. Property Address: 10 S. Conception Street
 - b. Date of Approval: 9/14/2017
 - c. Project: Install one window decal with logo to be a total of 2.8 sq. ft. and 1 hanging blade sign to be 12 sq. ft. total. Hanging blade sign to be metal composite with painted lettering.
12. **Applicant: Archdiocese of Mobile**
 - a. Property Address: 307 Conti Street
 - b. Date of Approval: 9/18/2017
 - c. Project: Install 4'0" x 2'0" single faced freestanding sign composed of wood composite with painted lettering to say "The Portier House Cathedral Parish Offices" and contact information.

13. Applicant: Samuel Reid III

- a. Property Address: 1569 Dauphin Street
- b. Date of Approval: 9/20/2017
- c. Project: Reroof guest house with asphalt shingles charcoal gray in color.

14. Applicant: James Hughes

- a. Property Address: 207 S. Cedar Street
- b. Date of Approval: 9/21/2017
- c. Project: Repair and replace deteriorated wood including lapsiding and tongue and groove to match existing in dimension, profile, and material. Remove later juliette balconies dating from the 1980's. Remove existing canopy on rear deck and install new shed roof over deck in same footprint.

15. Applicant: Chris Coletta

- a. Property Address: 203 Adams Street
- b. Date of Approval: 9/22/2017
- c. Project: Remove gutters from main house, repair fascia to match existing, repaint existing color scheme. Reroof two outbuildings with charcoal gray asphalt shingle.

16. Applicant: Henry Morrissette

- a. Property Address: 164 S. Georgia Avenue
- b. Date of Approval: 9/22/2017
- c. Project: Repair/replace rotten and damaged wood to match, repaint to match existing.

C. APPLICATIONS

1. 2017-46-CA: 111 Pine Street

- a. Applicant: Gary Jackson with City of Mobile, Municipal Enforcement
- b. Project: Demolition-Demolish a building originally listed as a non-contributing structure.

DENIED. CERTIFIED RECORD ATTACHED.

2. 2017-47-CA: 1164 Fry Street

- a. Applicant: Gary Jackson with City of Mobile, Municipal Enforcement
- b. Project: Demolition-Demolish a non-contributing building.

APPROVED. CERTIFIED RECORD ATTACHED.

3. 2017-48-CA: 1170 Fry Street

- a. Applicant: Gary Jackson with City of Mobile, Municipal Enforcement
- b. Project: Demolition-Demolish a non-contributing building.

APPLICATION WITHDRAWN. CERTIFIED RECORD ATTACHED.

4. 2017-43-CA: 1012 New St. Francis Street (Previously Withdrawn)

- a. Applicant: City of Mobile Municipal Enforcement, Gary Jackson
- b. Project: Demolition - Demolish a contributing building.

DENIED. CERTIFIED RECORD ATTACHED.

D. OTHER BUSINESS

1. Blight Initiative

Mr. Daughenbaugh, City of Mobile Municipal Enforcement, stated Mr. Jeff Carter, City of Mobile i-Team, was in San Diego for a conference and wished to address the Board at a later date.

2. 1017 Old Shell Road

Mr. Blackwell asked the audience if they had any questions, comments, or concerns to address regarding this property.

After providing an account of Board activities involving the subject property, Mr. Allen asked for clarification. Ms. Kessler added to the history and explained that the property received multiple citations. Ms. Kessler further explained that when due to appear in municipal court, the ticket was dropped on recommendation of the city attorney. Ms. Kessler expressed the city's appreciation of the Architectural Review (ARB) and that it had carried its duty.

Mr. Allen stated his concern was that the Board's decisions would be nullified if they were not to be enforced. Ms. Kessler replied that the Board's role was to issue Certificate of Appropriateness, not to enforce. Ms. Kessler further explained that the enforcement officer who issued the citation acted on behalf of the City, not an agent of the Board. Ms. Kessler stated the issues arising from a ticket in municipal court did not nullify the positive impact of the Board.

Mr. Brown expressed the concern that if the Board identifies an issue and it is not enforced that the Board is not a necessity.

Further discussion ensued following Mr. Oswalt adjourned the meeting.

Mr. Jamie Betbeze spoke to the Board. He reiterated Ms. Kessler's statement that the Board had acted rightly. Mr. Betbeze questioned if the city acted unlawfully by dismissing the ticket. Ms. Kessler said no, that prosecutors have discretion in handling their dockets and Mr. Betbeze complaints concerned the actions within the discretion of the city attorney.

Mr. Allen asked to table topic to the next meeting.

Mr. Blackwell stated the property was a unique case because the applicant had intended to appeal the Board's decision but failed to follow up with the City Clerk.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

2017-46-CA: 111 N. Pine Street
Applicant: Gary Jackson with the City of Mobile, Municipal Enforcement
Received: 9/1/2017
Meeting: 9/20/2017

INTRODUCTION TO THE APPLICATION

Historic District: Old Dauphin Way
Classification: Initially listed as Contributing
Zoning: R-1
Project: Demolition- Demolish an extremely deteriorated non-contributing building.

BUILDING HISTORY

This Aesthetics Movement Queen Anne dwelling adopts a typology - porch an bay fronted single-story central passage - format found only in the American South.

STANDARD OF REVIEW

Section 10 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 not been known to have appeared before the Architectural Review Board. The City of Mobile proposes the demolition of the deteriorated and fire-damaged structure.
- B. With regards to demolition, the Guidelines read as follows: “Proposed demolition of a building must be brought before the Board for consideration. The Board may deny a demolition request if the building’s loss will impair the historic integrity of the district.” However, our ordinance mirrors the Mobile City Code, see §44-79, which sets forth the following standard of review and required findings for the demolition of historic structures:
 - 1. *Required findings; demolition/relocation.* The Board shall not grant certificates of appropriateness for the demolition or relocation of any property within a historic district unless the Board finds that the removal or relocation of such building will not be detrimental to the historical or architectural character of the district. In making this determination, the Board shall consider:

- i. The historic or architectural significance of the structure;
 1. This property was built circa 1890. This building is listed as a contributing structure in the Old Dauphin Way Historic District.
- ii. The importance of the structure to the integrity of the historic district, the immediate vicinity, an area, or relationship to other structures;
 1. The dwelling adds to the built density of the Old Dauphin Way Historic District and the rhythmic spacing of Pine Street, it contributed to the architectural integrity of the district.
- iii. The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;
 1. The building materials are capable of being reproduced or acquired. Almost all of the structural and facing elements would have to be replaced.
- iv. Whether the structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region or is a good example of its type, or is part of an ensemble of historic buildings creating a neighborhood;
 1. This building is an example of the dwelling type that first appeared in the inland portions of the Deep South the 1850s and remained popular into the early 20th Century. A traditional center hall with rooms to either side fronted by a porch, albeit with a gallery fronting the hall and one room advanced often with a bay window, the type served to perpetuate traditional living patterns, while responding to changing stylistic currents and technological innovations. Examples can be found as far West as Texas and as far east as Georgia, but Alabama and Mississippi possess the largest concentrations. Mobile, Selma, and Montgomery have particularly notable instances.
- v. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area.
 1. If granted demolition approval, the house would be demolished, debris would be removed, the lot would be leveled, seed would be planted, and a lien would be placed on the property.
- vi. The date the owner acquired the property, purchase price, and condition on date of acquisition;
 1. The date the current owner acquired the property is circa 2016 for \$7,000 according to Mobile County Tax Assessor Records. .
- vii. The number and types of adaptive uses of the property considered by the owner;
 1. The property has stood vacant for a number of years. A previous owner listed the property for sale for six months and received no offers.
- viii. Whether the property has been listed for sale, prices asked and offers received, if any;
 1. To the City representative's knowledge, the property has been placed for sale for at least six months in recent years.
- ix. Description of the options currently held for the purchase of such property, including the price received for such option, the conditions placed upon such option and the date of expiration of such option;
 1. N.A.
- x. Replacement construction plans for the property in question and amounts expended upon such plans, and the dates of such expenditures;
 1. N.A.
- xi. Financial proof of the ability to complete the replacement project, which may include but not be limited to a performance bond, a letter of credit, a trust for

completion of improvements, or a letter of commitment from a financial institution.

1. N.A.
- xiii. Such other information as may reasonably be required by the board.
 1. See submitted materials.
 2. *Post demolition or relocation plans required.* In no event shall the Board entertain any application for the demolition or relocation of any historic property unless the applicant also presents at the same time the post-demolition or post-relocation plans for the site.”

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

1. Demolish a non-contributing residence.
2. Remove the debris from the site.
3. Stabilize the site.
4. Plant seed.

STAFF ANALYSIS

This application concerns the demolition of a deteriorated residential building which is listed as a contributing building in the Old Dauphin Way National Register Historic District. The property has been listed on the City of Mobile’s Nuisance Abatement list. The Nuisance Abatement allows for either the City to repair/secure vacant buildings which are salvageable or remove of vacant buildings that are in such an extreme state of disrepair as to pose a life safety issue.

When reviewing demolition applications, the Board takes into the account the following considerations: the architectural significance of the building; the condition of the building; the impact the demolition will have on the streetscape; and the nature of any proposed redevelopment.

111 N. Pine Street is contributing building located within the Old Dauphin Way Historic District. The dwelling is an example of a regionally popular housing typology – the bay-windowed and porch-fronted center hall.

This building is in an extremely advanced state of disrepair. Conditions extend far beyond cosmetic concerns. The house was ravaged by fire. Notable instances of extreme disrepair include, but are in no way limited to failures in the roof system and large openings in the siding and walls.

The house contributes to the built density and rhythmic sequencing of the landscape and lends to historic character or physical experience of Pine Street. Additionally, as an corner dwelling, the building anchors two streets.

If granted demolition approval, the building would be demolished, debris would be removed, site would be leveled, ground would be stabilized, and seed would be planted. Work would be done by a firm contracted by the City. A buyer would be obligated to redevelop the site in manner fully in keeping with Mobile’s Historic District Guidelines.

STAFF RECOMMENDATION

While recognizing the architectural and historical significance that the house possessed (See B 1-2.), Staff believes the contributing status has been lost due to deferred maintenance and more specifically fire damage. Though the demolition will impair the architectural and historical character of the streetscapes, staff recommends approval of the application for reason of its condition.

PUBLIC TESTIMONY

Mr. David Daughenbaugh and Gary Jackson, City of Mobile, Municipal Enforcement, was present to discuss the application.

BOARD DISCUSSION

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed Mr. Daughenbaugh and asked if he had any clarifications to address, questions to ask, or comments to make. Mr. Daughenbaugh explained that the City conducts a blight survey yearly and takes inventories of properties. He further explained that resolutions for these properties are either to mothball or demolish. Mr. Daughenbaugh stated the property at 111 Pine Street possessed qualities which placed it on the path for demolition including compromised roof, walls, and foundation.

Mr. Oswalt then asked if any of his fellow Board members had any questions pertinent to the application which to ask Mr. Daughenbaugh.

Mr. Oswalt inquired as to if the owners had been contacted. Mr. Daughenbaugh explained the requirements of municipal law which outlined how to notify the owner as well as the Municipal Enforcement Department's methodology of contacting the owner through title search. He further explained that the city Legal Department had advised Code Enforcement to consult with the Architectural Review Board (ARB) before requesting demolitions from City Council. Mr. Daughenbaugh stated he did not have a history of contact with the current owner.

Upon request, Mr. Blackwell clarified for Mr. Ruzic that the property had been listed for sale by a previous owner.

Mr. Ruzic asked Mr. Daughenbaugh if he knew if the house was up to date on its property tax payments. Mr. Daughenbaugh explained answered that he was not aware of whether or not the property was up to date on its property tax payments. Mr. Ruzic suggested that the Neighborhood Renewal Program (NRP) might be able to be use for the subject property.

Mr. Blackwell stated the conditions of the interior (as seen by looking in the windows were poor). He continued that while some repair work had been attempted, major roof and floor damage still existed from the fire. He spoke further to the issues stemming from both deferred maintenance and fire damage.

Mr. Ruzic asked what would make the property ineligible for the NRP. Mr. Daughenbaugh responded that it was his understanding that the damage was too extensive for consideration. Mr. Ruzic then commented that he would be more comfortable voting on the application if he knew more of the NRP consideration and process. Mr. Daughenbaugh stated for a property to be NRP eligible it must also be tax delinquent for three years.

Ms. Kessler stated that the process before the Board was unorthodox because the city is the applicant and typically the owner is the applicant. She continued by explaining that after the Board's approval or disapproval, the application would appear before City Council to either be mothballed or demolished.

Mr. Brown asked if the property had been researched for its eligibility with the NRP. Mr. Blackwell responded he had spoken with Ms. Coumanis, Assistant City of Mobile Attorney, and the that NRP had looked at the property.

Mr. Ruzic clarified Ms. Kessler's earlier statements that the Board was giving input on applications requested by the city regarding architectural significance.

Mr. Blackwell clarified for Mr. Allen that a fire occurred at the property in 2016. Mr. Blackwell also noted that the current owner had inquired to demolish the property at one time.

No other questions ensued from the Board.

Mr. Oswalt opened the application to public comment.

Mr. Ted Flotte spoke on behalf of the Historic Mobile Preservation Society (HMPS). Mr. Flotte stated HMPS had read through the blighted properties list executed by the City's Innovation Team and would like to move forward with city on finding solutions to securing and rehabilitating properties.

Ms. Sydney Betbeze of Restore Mobile, Inc., voiced the non-profit's intention to look at alternative solutions to demolition for blighted properties and collaborate with the city and other partners in the community to achieve said goal. Ms. Betbeze encouraged the Board and city leaders to view the change of historic fabric when a building is demolished and a vacant lot is created in a community. She recommended stabilization instead of demolition for the subject building and in general.

Upon the request of Mr. Brown, Mr. Daughenbaugh explained that the City (when pursuing a demolition path) would remove structure(s), stabilize the site, and plant grass. He further explained that the city does not have a long-term plan for the lots created.

Mr. Jamie Betbeze, resident of the surrounding Oakleigh Garden historic district and an MHDC representative for the same, expressed that he was in disagreement with staff's recommendation. He stated that although the building was dilapidated it was still a contributing structure and capable of being restored. Mr. Betbeze further expressed his concern that the City is requesting to demolish properties they do not own.

Mr. Daughenbaugh explained that a notice is sent to the owner once it has been declared a nuisance or slated for demolition, but no notice from Property Maintenance is sent before the ARB meeting. Mr. Blackwell noted in the future, when applications are filled out in full, the owner will be notified and mailed a copy of the ARB agenda will be sent to the owner by Historic Development.

Mr. Ruzic stated that the role of the Board was to determine if the structure still possessed a contributing status or if it had lost its architectural significance. Mr. Allen expressed his feelings that the Board was charged to review more than status and questioned if the application needed more time for questions to be answered.

Mr. Blackwell stated that one of the returns of a productive interdepartmental meeting that had taken place the previous Monday was that all applications of this type received by Historic Development will be completed in full with owner's information so that staff may give the property owner's additional notice.

Mr. Holmes proposed holding the application over until the owner is notified. Mr. Ruzic stated that the Board should vote on the property's significance and continued by saying it was the city's responsibility to contact the owners.

Ms. Kessler and Mr. Blackwell explained that the practice of the City appearing before the ARB with applications of this type in advance of the City Council meetings was put in place so the Board could provide input in advance of said meetings. Ms. Kessler noted the multiple practical aspects of advanced

review. She suggested since the owners were not in attendance at the ARB meetings, that an alternative action or name be given to the Certificate of Appropriateness.

Upon being asked by Mr. Brown, Mr. Blackwell reiterated that in the future owners would be mailed an agenda one week in advance of the ARB meeting.

Mr. Ruzic stated that the Board's input was not necessary for City Council to grant demolition. Holmes stated it might be best to phrase the ruling as a recommendation instead of a Certificate of Appropriateness.

Mrs. Echols stated that although the building is in extreme deterioration, it still possessed architectural significance. She continued by saying that a dilapidated building is more visually pleasing than a vacant lot.

Mr. Oswalt closed the period of public discussion.

No further discussion ensued from either the Board or the audience.

FINDING OF FACT

Mr. Ruzic 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 amended by the Board, to note that the building retains its contributing status.

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Mr. Holmes moved that, based upon the facts as amended by the Board, the application does impair the historic integrity of the building and the district and that a Certificate of Appropriateness not be issued, but the building be stabilized.

The motion received a second and was unanimously approved.

Mr. Daughenbaugh requested a written explanation for the decision of the application.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

2017-47-CA: 1164 Fry Street

Applicant: Gary Jackson with the City of Mobile, Municipal Enforcement

Received: 9/1/2017

Meeting: 9/20/2017

INTRODUCTION TO THE APPLICATION

Historic District: Oakleigh Garden

Classification: Non-Contributing

Zoning: R-1

Project: Demolition - Demolish a non-contributing building.

BUILDING HISTORY

This single-story building dating from the 1960s is part of the 2009 local expansion of the Oakleigh Garden Historic District. The property is not listed on the National Register.

STANDARD OF REVIEW

Section 10 of the Preservation Ordinance states “the Board shall not approve any application proposing a Material Change in Appearance unless it finds the change...will not materially impair the architectural or historic value of the building, the buildings on adjacent sites or in the immediate vicinity, or the general visual character of the district...”

STAFF REPORT

- A. This property has never appeared before the Architectural Review Board. The application up for review calls for the demolition of the non-contributing building.
- B. With regards to demolition, the Guidelines read as follows: “Proposed demolition of a building must be brought before the Board for consideration. The Board may deny a demolition request if the building’s loss will impair the historic integrity of the district.” However, our ordinance mirrors the Mobile City Code, see §44-79, which sets forth the following standard of review and required findings for the demolition of historic structures:
 - 1. *Required findings; demolition/relocation.* The Board shall not grant certificates of appropriateness for the demolition or relocation of any property within a historic district unless the Board finds that the removal or relocation of such building will not be detrimental to the historical or architectural character of the district. In making this determination, the Board shall consider:
 - i. The historic or architectural significance of the structure;
 - 1. This property is non-contributing resource in the local expansion of the Oakleigh Garden Historic Districts. The building is not listed on the National Register.
 - ii. The importance of the structure to the integrity of the historic district, the immediate vicinity, an area, or relationship to other structures;
 - 1. Though the building adds to the built density of the larger Oakleigh Garden District Historic District and Caroline Avenue, it does not contribute to the historical and architectural character of either the surrounding district or the

immediate streetscape. The building is not oriented to the street and while possess design features that tie to the architecture of typifying the historical character of the neighborhood (pier foundation and wood frame constructed buildings), the building is so configured and articulated as to not contribute to the integrity of the district.

- iii. The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;
 1. The building materials are capable of being reproduced or acquired.
 - iv. Whether the structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region or is a good example of its type, or is part of an ensemble of historic buildings creating a neighborhood;
 1. The building is neither representative of a particular architectural style nor a historic definitive movement.
 - vi. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area.
 1. If granted demolition approval, the house would be demolished, debris would be removed, the lot would be leveled, seed would be planted, and a lien would be placed on the property.
 - vii. The date the owner acquired the property, purchase price, and condition on date of acquisition;
 1. The date the current owner acquired the property was not provided.
 - viii. The number and types of adaptive uses of the property considered by the owner;
 1. The property has stood vacant for a number of years.
 - ix. Whether the property has been listed for sale, prices asked and offers received, if any;
 1. The property has not been listed for sale to the City's knowledge.
 - x. Description of the options currently held for the purchase of such property, including the price received for such option, the conditions placed upon such option and the date of expiration of such option;
 1. N.A.
 - xi. Replacement construction plans for the property in question and amounts expended upon such plans, and the dates of such expenditures;
 1. N.A.
 - xiii. Financial proof of the ability to complete the replacement project, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution.
 2. N.A.
 - xiv. Such other information as may reasonably be required by the board.
 1. See submitted materials.
2. *Post demolition or relocation plans required.* In no event shall the Board entertain any application for the demolition or relocation of any historic property unless the applicant also presents at the same time the post-demolition or post-relocation plans for the site.”

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

5. Demolish a non-contributing residence.
6. Remove the debris from the site.
7. Stabilize the site.
8. Plant seed.

STAFF ANALYSIS

This application concerns the demolition of a deteriorated residential building which is listed as a non-contributing building in the Old Dauphin Way National Register Historic District. The property has been listed on the City of Mobile's Nuisance Abatement list. The Nuisance Abatement allows for either the City to repair/secure vacant buildings which are salvageable or remove of vacant buildings that are in such an extreme state of disrepair as to pose a life safety issue.

When reviewing demolition applications, the Board takes into the account the following considerations: the architectural significance of the building; the condition of the building; the impact the demolition will have on the streetscape; and the nature of any proposed redevelopment.

1164 Fry Street is a non-contributing building located within the southernmost portions of local expansion of the Oakleigh Garden District. Said structure is not listed on the National Register. The dwelling is not an example of any historically significant architectural typology or style.

This brick veneered building is not in a good state of disrepair. Many of its features are non-conforming. The building is not secure and therefore a liability for (continued) crime.

While the building adds to the built density and rhythmic sequencing of the landscape, it does not contribute to the historic al or architectural character of Caroline Avenue. As an inner block dwelling, the building is only viewed from head on or an oblique angle.

If granted demolition approval, the building would be demolished, debris would be removed, site would be leveled, ground would be stabilized, and seed would be planted. Work would be done by a firm contracted by the City. A buyer would be obligated to redevelop the site in manner fully in keeping with Mobile's Historic District Guidelines.

STAFF RECOMMENDATION

Based on B (1-2), Staff does not believe this application for the demolition of the non-contributing building would impair the property or historic district. Staff recommends approval of the application.

PUBLIC TESTIMONY

Mr. David Daughenbaugh and Mr. Gary Jackson of the City of Mobile, Municipal Enforcement, were present to discuss the application.

BOARD DISCUSSION

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed Mr. Daughenbaugh and asked if he had any clarifications to address, questions to ask, or comments to make. Mr. Daughenbaugh explained that the owner of the property had not yet been notified, but a title search was being conducted. He further explained that once the property owner is notified he or she would have 45 days which to conduct repairs.

Mr. Oswalt then asked if any of his fellow Board members had any questions pertinent to the application which to ask Mr. Daughenbaugh or Mr. Jackson.

Mr. Brown expressed his concern that two properties on the agenda were three lots apart and would

adversely impact the streetscape. Mr. Blackwell explained that the properties were deemed by National Park Service standards to be non-contributing to the district. Mr. Blackwell then stated that the 1170 Fry Street application had been withdrawn and will be stabilized.

Mr. Allen inquired as to how a property is determined to be demolished or stabilized. Mr. Daughenbaugh stated Mr. Jeff Carter, City of Mobile I Team, would like to address the Board about the methodology used to combat blight. He noted that when properties are surveyed, structural failures are taken into consideration and scored. He further explained that if a property scores above 50 it is set on the path for demolition. Mr. Allen questioned the surveys objective standards.

No other questions ensued from the Board.

Mr. Oswalt opened the application to public comment.

Mr. Ted Flotte spoke on behalf of the Historic Mobile Preservation Society (HMPS). Mr. Flotte stated that HMPS board member had toured the properties on Fry Street. Mr. Flotte went further by saying that several non-contributing structures in the larger neighborhood have negative impact on the contributing and salvageable structures in the neighborhood. He stated that he did not think the demolition of 1164 Fry would adversely impact the neighborhood.

Mr. James Woodall, resident of 508 George Street, addressed the Board. He stated that he at one time had been in contact with the owners. Mr. Woodall described to the Board recent instances of crime and vagrancy in the area and how those conditions impacted quality of life. He noted he had listed his house for sale.

No further discussed emanated from the audience.

Mr. Oswalt closed the period of public discussion.

FINDING OF FACT

Mr. Barr 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. Barr moved that, based upon the facts as written by the Board, the application does not impair the historic integrity of the district or the building and that a Certificate of Appropriateness be issued. The motion received a second and was unanimously approved.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

2017-48-CA: 1170 Fry Street

Applicant: Gary Jackson with the City of Mobile, Municipal Enforcement

Received: 9/1/2017

Meeting: 9/20/2017

INTRODUCTION TO THE APPLICATION

Historic District: Oakleigh Garden

Classification: Non-Contributing

Zoning: R-1

Project: Demolition - Demolish a non-contributing building.

BUILDING HISTORY

This single-family residence is transitional in style. Neither representative of the Arts and Crafts nor the so-called “Minimal Traditional”, the building, minus its ironwork, constitutes ubiquitous 20th Century construction.

STANDARD OF REVIEW

Section 10 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 not appeared before the Architectural Review Board. The application up for review calls for the demolition of the non-contributing building.
- B. With regards to demolition, the Guidelines read as follows: “Proposed demolition of a building must be brought before the Board for consideration. The Board may deny a demolition request if the building’s loss will impair the historic integrity of the district.” However, our ordinance mirrors the Mobile City Code, see §44-79, which sets forth the following standard of review and required findings for the demolition of historic structures:
 2. *Required findings; demolition/relocation.* The Board shall not grant certificates of appropriateness for the demolition or relocation of any property within a historic district unless the Board finds that the removal or relocation of such building will not be detrimental to the historical or architectural character of the district. In making this determination, the Board shall consider:
 - v. The historic or architectural significance of the structure:
 1. This building is listed as a non-contributing structure in the local expansion of the Oakleigh Garden District. The property is not listed on the National Register of Historic Places individually or as part of the aforementioned district. The structure is not representative of a definable architectural idiom or notable typology. Minus in ironwork, the building comprises an instance unresponsive infill within a historic landscape.

- vi. The importance of the structure to the integrity of the historic district, the immediate vicinity, an area, or relationship to other structures;
 - 1. While the dwelling adds to the built density of the Old Dauphin Way Historic District and Caroline Avenue, it does not contribute to the historical character defining this portion of the districts.
 - vii. The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;
 - 1. The building materials are capable of being reproduced or acquired.
 - viii. Whether the structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region or is a good example of its type, or is part of an ensemble of historic buildings creating a neighborhood;
 - 1. This building is not an example of a particular style and does contribute to the historic aesthetic of the neighborhood or street.
 - vii. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area.
 - 1. If granted demolition approval, the house would be demolished, debris would be removed, the lot would be leveled, seed would be planted, and a lien would be placed on the property.
 - viii. The date the owner acquired the property, purchase price, and condition on date of acquisition;
 - 1. The year the current owner acquired the property was in 1999 for \$45,000 according to the Mobile County Tax Assessor records.
 - ix. The number and types of adaptive uses of the property considered by the owner;
 - 1. The property has stood vacant for a number of years.
 - x. Whether the property has been listed for sale, prices asked and offers received, if any;
 - 1. The property has not been listed for sale to the City's knowledge.
 - xi. Description of the options currently held for the purchase of such property, including the price received for such option, the conditions placed upon such option and the date of expiration of such option;
 - 1. N.A.
 - xii. Replacement construction plans for the property in question and amounts expended upon such plans, and the dates of such expenditures;
 - 1. N.A.
 - xv. Financial proof of the ability to complete the replacement project, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution.
 - 3. N.A.
 - xvi. Such other information as may reasonably be required by the board.
 - 1. See submitted materials.
2. *Post demolition or relocation plans required.* In no event shall the Board entertain any application for the demolition or relocation of any historic property unless the applicant also presents at the same time the post-demolition or post-relocation plans for the site.”

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

1. Demolish a non-contributing residence.
2. Remove the debris from the site.
3. Stabilize the site.
4. Plant seed.

STAFF ANALYSIS

This application concerns the demolition of a deteriorated residential building which is listed as a non-contributing building in the Oakleigh Garden Historic District. The property has been listed on the City of Mobile’s Nuisance Abatement list. The Nuisance Abatement allows for either the City to repair/secure vacant buildings which are salvageable or remove of vacant buildings that are in such an extreme state of disrepair as to pose a life safety issue.

When reviewing demolition applications, the Board takes into the account the following considerations: the architectural significance of the building; the condition of the building; the impact the demolition will have on the streetscape; and the nature of any proposed redevelopment.

With regard to architectural significance, 1070 Fry Street is a non-contributing building located within the local expansion of the Oakleigh Garden Historic District. The property is not listed on the National Register as part of the aforementioned district or as individually listed thereon.

This building could be repaired and is mothballed.

While house contributes to the built density of the local district, its placement (setback) and design contribute to the historic character street or surrounding district, As an inner block dwelling, the building is only viewed from head on or an oblique angle.

If granted demolition approval, the building would be demolished, debris would be removed, site would be leveled, ground would be stabilized, and seed would be planted. Work would be done by a firm contracted by the City. A buyer would be obligated to redevelop the site in manner fully in keeping with Mobile’s Historic District Guidelines.

STAFF RECOMMENDATION

Based on B (1-2), Staff does not believe this application for the demolition of the non-contributing building would impair the property or historic district. Staff recommends approval of the application.

PUBLIC TESTIMONY

Mr. Blackwell informed the Board and audience the application had been withdrawn.

APPLICATION WITHDRAWN. CERTIFIED RECORD HEREBY.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD

2017-43-CA: 1012 New St. Francis Street

Applicant: Gary Jackson with the City of Mobile, Municipal Enforcement,

Received: 9/1/2017 (Originally submitted 8/16/2017; Withdrawn 9/6/2017; and Resubmitted)

Meeting: 9/20/2017

INTRODUCTION TO THE APPLICATION

Historic District: Old Dauphin Way

Classification: Contributing

Zoning: R-1

Project: Demolition - Demolish an extremely deteriorated residence.

BUILDING HISTORY

This bulk of this building dates circa 1900. Portions of it could be older. The contributing building represents a blending of typologies and aesthetics.

STANDARD OF REVIEW

Section 10 of the Preservation Ordinance states “the Board shall not approve any application proposing a Material Change in Appearance unless it finds the change...will not materially impair the architectural or historic value of the building, the buildings on adjacent sites or in the immediate vicinity, or the general visual character of the district...”

STAFF REPORT

- A. This property was scheduled to appear before the Architectural Review Board on August 6, 2017, but was withdrawn. According to the MHDC vertical file, it has not appeared before the Board. A Certificate of Appropriateness (CoA) was issued for repairs in July of 2015. The building’s fenestration was mothballed at that date.
- B. With regards to demolition, the Guidelines read as follows: “Proposed demolition of a building must be brought before the Board for consideration. The Board may deny a demolition request if the building’s loss will impair the historic integrity of the district.” However, our ordinance mirrors the Mobile City Code, see §44-79, which sets forth the following standard of review and required findings for the demolition of historic structures:
 1. *Required findings; demolition/relocation.* The Board shall not grant certificates of appropriateness for the demolition or relocation of any property within a historic district unless the Board finds that the removal or relocation of such building will not be detrimental to the historical or architectural character of the district. In making this determination, the Board shall consider:
 - i. The historic or architectural significance of the structure;
 1. The bulk of this house dates circa 1900. The building is listed as a contributing structure in the Old Dauphin Way Historic District. An eclectic building in terms of typology and styling, the building features a two-tiered gallery supported by turned post, as well as eave level scroll sawn

- bargeboarding. The building is one of the most architecturally significant houses on New St. Francis Street.
- ii. The importance of the structure to the integrity of the historic district, the immediate vicinity, an area, or relationship to other structures;
 1. The dwelling contributes to the built density, rhythmic spacing, and historical character of the surrounding Old Dauphin Way District.
 - iii. The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;
 1. The building materials are capable of being reproduced. Of the exterior facings and elements, many of those which are still in place would have to be replaced. The building's structure is an even more periled condition than the exterior cladding and detailing. The roof has is in danger of collapsing.
 - iv. Whether the structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region or is a good example of its type, or is part of an ensemble of historic buildings creating a neighborhood;
 1. Foursquare dwellings are located within all of Mobile's seven locally designated National Register Historic Districts. Old Dauphin Way contains a large number of this uniquely American residential typology. Examples are found across the United States. This one of the earliest examples in the district.
 2. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area.
 3. If granted demolition approval, the house would be demolished, debris would be removed, the lot would be leveled, seed would be planted, and a lien placed on the property.
 - ix. The date the owner acquired the property, purchase price, and condition on date of acquisition;
 1. The date current owners acquired the property via inheritance.
 - x. The number and types of adaptive uses of the property considered by the owner;
 1. The property has been vacant for several years.
 - xi. Whether the property has been listed for sale, prices asked and offers received, if any;
 1. The property has been not listed for sale.
 - xii. Description of the options currently held for the purchase of such property, including the price received for such option, the conditions placed upon such option and the date of expiration of such option;
 1. N.A.
 - xiii. Replacement construction plans for the property in question and amounts expended upon such plans, and the dates of such expenditures;
 1. Not provided.
 - xvii. Financial proof of the ability to complete the replacement project, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution.
 4. N.A.
 - xviii. Such other information as may reasonably be required by the board.
 1. See submitted materials.

2. *Post demolition or relocation plans required.* In no event shall the Board entertain any application for the demolition or relocation of any historic property unless the applicant also presents at the same time the post-demolition or post-relocation plans for the site.”

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

1. Demolish a non-contributing residence.
2. Remove the debris from the site.
3. Stabilize the site.
4. Plant seed.

STAFF ANALYSIS

This application concerns the demolition of an extremely deteriorated residential building which is listed as a contributing property in the Old Dauphin Way National Register Historic District. The property has been listed on the City of Mobile’s Nuisance Abatement list. The Nuisance Abatement allows for either the City to repair/secure vacant buildings which are salvageable or remove of vacant buildings that are in such an extreme state of disrepair as to pose a life safety issue.

When reviewing demolition applications, the Board takes into the account the following considerations: the architectural significance of the building; the condition of the building; the impact the demolition will have on the streetscape; and the nature of any proposed redevelopment.

1012 New St. Francis Street is a contributing building located within the Old Dauphin Way Historic District. The dwelling is unique blending of architectural typologies. The massing of the front portion of the building strongly resembles an American Foursquare, while rear portions add a side component to plan and elevation. The initial construction date of the building is not yet determined. Portions of the building could rank among the oldest constructions on New Saint Francis Street.

This building is in an extremely advanced state of disrepair. Conditions extend far beyond cosmetic concerns. The roof structure is beginning to fail. Sizable portions of walls are missing on a later addition.

The house contributes to the built density, rhythmic sequencing, historic character, physical experience of New St. Francis Street. Located on the corner of New St. Francis Street and Pine Street, the building is highly visible. It is anchor to the intersection and streetscape.

If granted demolition approval, the building would be demolished, debris would be removed, site would be leveled, ground would be stabilized, and seed would be planted. Work would be done by a firm contracted by the City. A buyer would be obligated to redevelop the site in manner fully in keeping with Mobile’s Historic District Guidelines.

STAFF RECOMMENDATION

Based on B (1-2), Staff believes this application would impair the property and would impair the architectural and the historical character of the property and historic districts. While realizing the physical condition of the building, Staff encourages other means of addressing the buildings impact on the surrounding landscape other than demolition at this time. At this juncture, Staff recommends denial of the application for reasons of the architectural and historical considerations highlighted herein and articulated in the Design Review Guidelines.

PUBLIC TESTIMONY

Mr. David Daughenbaugh of City of Mobile, Municipal Enforcement, was present to discuss the application.

BOARD DISCUSSION

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed Mr. Daughenbaugh and Mr. Jackson and asked if they had any clarifications to address, questions to ask, or comments to make. Mr. Daughenbaugh stated that the City was in the process of conducting a title search and had not sent notification to the owners yet. Mr. Jackson explained that the rear portion of the dwelling had severe settlement and foundation issues. He stated that he feared that the aforementioned portion of the building was in danger of collapsing in a matter of months. Mr. Jackson spoke further to the application by saying that the roof system had severe damage and rot.

Mr. Oswalt then asked if any of his fellow Board members had any questions pertinent to the application which to ask Mr. Daughenbaugh or Mr. Jackson.

No questions ensued from the Board.

Mr. Oswalt opened the application to public comment.

Mr. John Peebles addressed the Board. He stated that while the house was in extreme state of deterioration, it still possessed architectural and market value. The latter due to location he allowed. Mr. Peebles continued by saying that the issue that he as a developer faces in acquiring this property and other like is that oftentimes they are heir property and given that that property taxes are low families opt to keep them in possession. Mr. Peebles noted that in this case a notice of demolition might encourage the owners to act on the property. He also expressed interest in making outreach to the owners to potentially acquire the property and rehabilitate.

Mr. Allen asked Mr. Peebles to clarify whether notice of demolition was helpful or hurtful to the acquisition and restoration of properties. Mr. Peebles clarified that the notice of demolition would give owners the option to either pay for the demolition of the structure or sell and receive compensation equal to the value of the lot. He went on to allow that it could be helpful or harmful.

Mr. Ted Flotte, speaking on behalf of the Historic Mobile Preservation Society (HMPS), expressed organization's interest in collaborating with the city to find investors and alternative solutions well in advance of demolition notifications.

Upon being asked, Mr. Daughenbaugh confirmed that the owners had not yet been notified. He explained that the next step in the process is to notify all owners and interested parties. Mr. Daughenbaugh continued that after owners receive notice, they have 45 days which to stabilize and comply before the property appears before City Council. He further explained that the City was looking for feedback regarding the architectural significance of the property and that is why they are appearing before the Board. He stated that the property poses a public nuisance in that the worst portion of the property abuts the driveway of an adjacent neighbor to the east and could fall upon it. Mr. Jackson spoke further to the last respect.

Mr. Allen stated in a normal review of an application the owner would be asked to list the property for six months on MLS. Mr. Blackwell informed the Board of the history between the owners and the city. He explained that the owners had not been willing to sell the property in the past.

Mr. Daughenbaugh stated that during the process of municipal enforcement the owners had multiple opportunities to come forth and establish intent.

Mr. Brown commented that while demolishing buildings that are a safety concerns may be necessary in extreme cases, it also leaves vacant lots that make a neighborhood seem desolate.

Upon being asked by Mr. Holmes, Mr. Jackson confirmed that he believed the property was a safety threat to the neighbor.

Mr. Peebles asked if it was possible for a third party to stabilize the building and then charge the owner. Mr. Allen replied the city can stabilize the building and charge the owner, but the Board did not have the authority to do so.

No further questions ensued from the Board.

No comments emanated from the audience.

Mr. Oswalt closed the period of public discussion.

FINDING OF FACT

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

The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

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

The motion received a second and was unanimously approved.