

**ARCHITECTURAL REVIEW BOARD MINUTES**  
**September 15, 2010 – 3:00 P.M.**  
**Pre-Council Chambers, Mobile Government Plaza, 205 Government Street**

**A. CALL TO ORDER**

1. The Chair, Jim Wagoner, called the meeting to order at 3:00. Cart Blackwell, MHDC Staff, called the roll as follows:  
**Members Present:** Bill James, Thomas Karwinski, Craig Roberts, Jim Wagoner, and Janetta Whitt-Mitchell.  
**Members Absent:** Gertrude Baker, Carlos Gant, Kim Hardin, Bradford Ladd, Harris Oswalt, and Barja Wilson.  
**Staff Members Present:** Devereaux Bemis, Cart Blackwell, and John Lawler.
2. Mr. Roberts moved to approve the minutes of the September 1, 2010 meeting. The motion received a second and passed unanimously.
3. Mr. Karwinski moved to approve the midmonth COA's granted by Staff. The motion received a second and passed unanimously.

**B. MID MONTH APPROVALS: APPROVED**

1. **Applicant: Coulson Roofing**
  - a. Property Address: 261 Rapier Avenue
  - b. Date of Approval: 8/20/10
  - c. Project: Patch/repair roof matching existing in profile, dimension, materials and color.
2. **Applicant: Valerie & Michael Dumas**
  - a. Property Address: 963 Selma Street
  - b. Date of Approval: 8/24/10
  - c. Project: Repair and replace rotten siding to match the existing in profile, dimension, and material. Touch up the paint.
3. **Applicant: R & J Home & Repair, LLC**
  - a. Property Address: 357-359 Church Street
  - b. Date of Approval: 8/24/10
  - c. Project: Repair and replace rotten woodwork on the rear of the building. Paint the work to match the existing.
4. **Applicant: R & J Home & Repair, LLC**
  - a. Property Address: 126 Government Street
  - b. Date of Approval: 8/24/10
  - c. Project: Repair the roof joists and rafters. Reroof the building with shingles to match the existing. Repair and replace window frames and sashes to match the existing. Repaint the work per the existing color scheme.
5. **Applicant: Brian & Julie Evans**
  - a. Property Address: 21 South Lafayette Street
  - b. Date of Approval: 8/24/10
  - c. Project: Repaint the porch bricks white.
6. **Applicant: Joe Pomeroy with Thomas Roofing**
  - a. Property Address: 33 Houston Street
  - b. Date of Approval: 8/26/10
  - c. Project: Reroof the house to match the existing.

7. **Applicant: Juanita Owens**
  - a. Property Address: 7 North Pine Street
  - b. Date of Approval: 8/27/10
  - c. Project: Paint the house per a color scheme to be submitted at a later date.
8. **Applicant: Juanita Owens**
  - a. Property Address: 153 South Broad Street
  - b. Date of Approval: 8/27/10
  - c. Project: Paint the house per a color scheme to be submitted at a later date.
9. **Applicant: Montdrakgo Caldwell**
  - a. Property Address: 1064 Palmetto Street
  - b. Date of Approval: 8/27/10
  - c. Project: Repair and replace woodwork to match the existing. Touch up the paint to match the existing. Repair and repaint the fence.
10. **Applicant: Margaret Stone**
  - a. Property Address: 103 Houston Street
  - b. Date of Approval: 8/30/10
  - c. Project: Reroof the house with 3-tab asphalt shingles.
11. **Applicant: Homer McClure**
  - a. Property Address: 113 South Georgia Avenue
  - b. Date of Approval: 8/31/10
  - c. Project: Repair tree damage to roof, and reroof damaged area to match.
12. **Applicant: Sign Pro**
  - a. Property Address: 111 Dauphin Street
  - b. Date of Approval: Sign Pro for Tracy Host
  - c. Project: Suspend a wooden sign measuring 2' 5" in height and 2' 6" in length from brackets located under the overhang.
13. **Applicant: Murray School**
  - a. Property Address: 1257 Government Street
  - b. Date of Approval: 8/30/10
  - c. Project: Alter the metal lettering of the existing monument sign.
14. **Applicant: Ray Lamb**
  - a. Property Address: 1551 Monterey Place
  - b. Date of Approval: 9/1/10
  - c. Project: Add flashing about the chimney.
15. **Applicant: Liz Carnahan**
  - a. Property Address: 103 Levert Avenue
  - b. Date of Approval: 9/1/10
  - c. Project: Rebuild a fence in the same location, same design and six feet in height. The finished side will be to the outside. The fence will be left natural.
16. **Applicant: Caroline Gage**
  - a. Property Address: 260 Roper Street
  - b. Date of Approval: 9/2/10
  - c. Project: Reroof the house with grey asphalt shingles to match the existing.
17. **Applicant: First Baptist Church of Mobile**
  - a. Property Address: 806 Government Street
  - b. Date of Approval: 9/2/10
  - c. Project: Temporarily remove the corner stone for repairs. The corner stone will be reinstalled once the repairs are complete. Repoint brickwork. The repair work will be done to match the existing.

## C. APPLICATIONS

1. **2010-66-CA: 1055 Augusta Street**
  - a. Applicant: Douglas B. Kearley for Mr. Palmer C. Hamilton
  - b. Project: Restore and alter the front elevation. Alter the rear elevation. Install fencing.  
**APPROVED. CERTIFIED RECORD ATTACHED.**
2. **2010-67-CA: 115 Dauphin Street**
  - a. Applicant: Ben Cummings for Hargrove and Associates
  - b. Project: Remodel the first floor storefront.  
**APPROVED AS AMENDED. CERTIFIED RECORD ATTACHED.**
3. **2010-68-CA: 76 South Lafayette Street**
  - a. Applicant: Tracy Nelson
  - b. Project: Reroof the house with metal shingles.  
**APPROVED. CERTIFIED RECORD ATTACHED.**
4. **2010-69-CA: 1564 Old Shell Road**
  - a. Applicant: Ronald G. E. Smith
  - b. Project: After-the-Fact-Approval – Retain an interior lot privacy fence.  
**APPROVED. CERTIFIED RECORD ATTACHED.**
5. **2010-70-CA: 1515 Eslava Street**
  - a. Applicant: Kimberly Stewart
  - b. Project: After-the-Fact-Approval – Remove front porch infill. Install a new hollow panel front door. Remove a later rear addition. Retain the aluminum window replacements.  
**APPROVED IN PART AND DENIED IN PART. CERTIFIED RECORD ATTACHED.**

## D. OTHER BUSINESS

1. Notice of Violation Procedures: Mr. Lawler explained to the Board the legal particulars of voluntary board regulation. Mr. Blackwell informed the Board of the administrative procedures of other City departments.
2. Signage: Devereaux Bemis showed the Board the street signs the BID was placing around downtown along with a map illustrating their location. He informed the Board that the signage was within the square footage staff was allowed to approve. Staff would be approving the request on a mid-month basis if there were no Board objections. Several members of the Board suggested the back of the signs should be painted to match the poles. Mr. Bemis agreed to make that recommendation.

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

**2010-66-CA:**           **1055 Augusta Street**  
**Applicant:**           **Douglas B. Kearley for Mr. Palmer C. Hamilton**  
**Received:**           **8/25/10**  
**Meeting:**             **9/15/10**

**INTRODUCTION TO THE APPLICATION**

Historic District:       Oakleigh Garden  
Classification:        Contributing  
Zoning:                R-1  
Project:                Restore and alter the front elevation. Alter the rear elevation. Install fencing.

**BUILDING HISTORY**

This circa 1850 Creole cottage was originally located on Conti Street. The house was renovated in the 1920s and relocated to Augusta Street in 1975.

**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 has never appeared before the Architectural Review Board. In an effort to restore the house to its 1850s appearance, the applicant proposes removing the Arts and Crafts influenced features dating from 1920s.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “The porch is an important regional characteristic of Mobile architecture. Historic porches should be maintained and repaired to reflect their period. Particular attention should be paid to the handrails, lower rails, balusters, decking posts/columns, proportions and decorative details.”
  - 2. “The form and shape of the porch and its roof should maintain their historic appearance. The materials should blend with the style of the building.”
  - 3. “A roof is one of the most dominant features of a building. Original or historic roof forms, as well as the original pitch of the roof should be maintained. Materials should be appropriate to the form and pitch and color.”
  - 4. “The type, size and dividing lights of windows and their location and configuration (rhythm) on the building help establish the character of a building. Original window openings should be retained as well as original window sashes and glazing.”
  - 5. “The size and placement of new windows for additions and alterations should be compatible with the general character of the building.”
  - 6. ”Original doors and openings should be retained. Replacements should reflect the age and style of the building.”

7. “The type, size and dividing lights of windows and their location and configuration (rhythm) on the building help establish the historic character of a building. Original window openings should be retained as well as original window sashes and glazing.”

C. Scope of Work (per submitted plans):

1. Alter the front porch’s columnar piers.
  - a. Remove the later bases from the pier shafts.
  - b. Repair the bases. The subtle tapering of the shafts will be maintained.
  - c. Cut 3” half round ventilation holes in the bases of the columnar piers.
  - d. Install cornice moldings and necking on the columnar piers.
2. Reinstall a railing between the front porch’s columnar piers. The railing will match the original (as evidenced by “ghost” marks documenting the form and measurements of the original railing).
3. Alter the eave treatment.
  - a. Clip the rafters, sheathing, and roofing (for the northern elevation/façade only).
  - b. Box the porch cornice.
  - c. Add cornice returns.
  - d. Install a prefabricated drip edge to match the existing.
  - e. Remove the existing cove moulding.
  - f. Install a 2” wooden bead mold.
4. Alter aspects of the rear elevation.
  - a. Remove a later window located on the rear elevation’s enclosed porch.
  - b. Extend the lattice field to cover C (4).
  - c. Remove the existing wooden steps.
  - d. Install new wooden steps.
  - e. Remove the existing French doors.
  - f. Install a pair of paneled and glazed wooden French doors.
  - g. Extend the roof overhang over the new steps.
5. Install a 6’ section of fence between the southwest corner of the house and the south lot line.
  - a. The wooden fence will feature a centrally located wooden gate.

## STAFF ANALYSIS

In applications that call for the removal later features, the significance of those later alterations must be taken into account. This application involves the restoration and renovation of a Creole cottage. The restoration calls for the removal of later bungalow-like details and treatments. Based on the 1970s relocation and alterations to the house, Staff does not believe that the remaining Craftsman-influenced alterations constitute the essential character-defining features of the house.

The front porch’s columnar piers were altered at a later date. The Guidelines state that historic porches should reflect their period. The existing bases are not an original feature. The repair of the piers will adhere to the subtle tapering of the shafts. Cutting ventilation holes in the piers will not jeopardize the integrity or structure of the piers. The installation of necking and mouldings on the piers would alter neither the historical nor aesthetic integrity of the house. Necking and mouldings of the types proposed were standard pier features for the period.

“Ghost” marks on the corner posts indicate the presence of a porch railing. The proposed railing will replicate the missing original railing. The Staff File for the property has photographs indicating the presence of the railings. The reinstallation will recapture additional historical integrity.

The Guidelines state that roofs should maintain their historic appearance. This roof has been altered on multiple occasions. Two earlier roofs survive under the existing roof. The existing roof has been altered on at least one occasion. Given the altered state of the existing later roof, the alteration of the eave treatment to one more in keeping with style and date of the house would not jeopardize the historical or architectural integrity of the building.

The work proposed for the rear elevation will be restricted to the enclosed porch located off the later rear wing. The removal of the modern window and the subsequent extension of lattice would allow the enclosed space to “read” more as a porch than as a part of the body of the house. The stairs and windows meet the design and material standards established by the Guidelines.

The fencing meets the height and material standards established by the Guidelines.

### **STAFF RECOMMENDATION**

Based on B (1-7), Staff does not believe this application impairs the architectural or historical character of the building or the district. Staff recommends approval of this application.

### **PUBLIC TESTIMONY**

Douglas B. Kearley was present to discuss the application.

### **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Wagoner asked Mr. Kearley if he had any comments to add or questions to ask with regard to the Staff Report. Mr. Kearley said that while he had nothing to add or correct with regard to the Staff Report, he would like to point out that two earlier roof structures survive under the current roof.

Mr. Wagoner asked the Board if they had any comments to make or questions to ask. Mr. Karwinski said that he had two comments. Addressing Staff, Mr. Karwinski asked why the Staff Report not take into account the Secretary of the Interior’s Standards position regarding the preservation of later additions to historic buildings. Mr. Blackwell told the Board that the 1996 amendment to the Historic Preservation Act does address the preservation of important alterations to historic structures. He explained to Mr. Karwinski that when reviewing applications calling for the removal of later, but still historic features, the significance of those later alterations, the historical evolution of the building, and the nature of the application are taken into account. Mr. Blackwell told the Board that the altered state of the existing roof and the relocation of the house from the original site made the Craftsman-inspired alterations less significant than the historically documented and/or informed aspects of the proposed alterations.

Mr. Karwinski asked Mr. Kearley how he planned to treat the cornice return. A discussion of the cornice treatment ensued.

Mr. Wagoner asked if any other Board member had further questions or concerns regarding the application.

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

### **FINDING OF FACT**

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

The motion received a second and was unanimously approved.

**DECISION ON THE APPLICATION**

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

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 9/15/11**

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

**2010-67-CA:**                   **115 Dauphin Street**  
**Applicant:**                   **Ben Cummings for Hargrove and Associates**  
**Received:**                   **8//10**  
**Meeting:**                   **9/15/10**

**INTRODUCTION TO THE APPLICATION**

Historic District:           Lower Dauphin Commercial  
Classification:           Contributing  
Zoning:                    B-4  
Project:                    Remodel the first floor storefront and restore the second story.

**BUILDING HISTORY**

This building was constructed in 1914. As an early manifestation of the Kress Five & Dime’s emerging corporate identity, the façade features buff colored brick and bas relief carvings.

**STANDARD OF REVIEW**

1. 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 portion of the Old Kress Building has never appeared before the Architectural Review Board. The applicant’s representative proposes minor alterations to the altered ground floor store front and maintenance related repairs for the second story.
- B. The Lower Dauphin Street Commercial District Design Review Guidelines state, in pertinent part:
  1. “Preserve original ornamentation and details of the façade.”
  2. “Maintain the established relationships of the existing detail.”
  3. Patterns and rhythms create a visual harmony in commercial districts. New construction and alterations should respect the already established streetscape.”
  4. “Many changes over time occurred to storefronts in the LDSCD...Maintaining the line of the storefronts at the edge is an important tangible pedestrian element. Maintaining recessed entries is also an important design element. The rhythm of recessed entrances on the street contributes to the visual continuity and is encouraged on all buildings. Recessed entries identify the entrance and provide shelter.”
  5. “Use doors with large areas of glass.”
- C. Scope of Work (per submitted plans):
  1. Alter the fenestration of the later first floor storefront.
    - a. Remove the easternmost pair of aluminum doors comprising the first floor’s later recessed entrance.
    - b. The frame of C (1) (a) will remain in situ.
    - c. Remove the threshold and hardware of C (1) (a).
    - d. Install a new storefront unit in the location of C (1) (a). The dimensions of the bay and



transom will remain the same. The storefront unit will match the existing in both finish and treatment.

- e. Install a single door in the recessed entrance's canted eastern bay.
  - f. The aluminum unit will feature sidelights and a transom.
  - g. Remove the red banner board. The architect will consult Staff once the banner board is removed in order to discuss possible treatments for that portion of the façade.
2. Clean and repair the storefront's second story.
- a. Clean the brick and terracotta ornamentation with soap and water.
  - b. Remove all non-functioning electrical equipment from the façade.
  - c. Scrape, grind, and sand the steel windows.
  - d. Close and fix the windows, repairing and reglazing when necessary.
  - e. Repair and repaint the intermediate/mezzanine level fenestration. All repairs and Possible replacements will match the existing. The color will match the existing.

## **STAFF ANALYSIS**

The first floor of this building has been altered on at two previous occasions. The fenestration changes proposed for the first floor storefront would not alter the visual rhythm of the façade or the streetscape. The aluminum window unit will fit into the bay occupied by the existing easternmost double door unit. The finish and the materials will match the existing. The frame and finish of the new door unit will match the existing units.

The maintenance-related work proposed for the second story would neither endanger the historic materials nor impair the integrity of the façade. The applicant's representative has expressed in the plans and over the phone that only the gentlest means will be used to clean and repair the façade. Staff will work coordinate with the architect and the Board regarding the treatment of the area occupied by the banner board.

## **STAFF RECOMMENDATION**

Based on B (1-5), Staff does not believe this application impairs the architectural or the historical character of the building or the district. Staff recommends approval of this application.

## **PUBLIC TESTIMONY**

Ben Cummings J.E.B. Shell were present to discuss the application.

## **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Wagoner asked Mr. Cummings and Mr. Shell if they had any comments to add or questions to ask with regard to the Staff Report. Mr. Cummings told the Board that he had made cursory investigations as to the backing of the banner board. He said that while he could see some steel framing, he was still unsure as to the overall condition and composition of that portion of the facade. Mr. Cummings said that once the banner board was removed, he would contact Staff with plans regarding its treatment.

Mr. Roberts asked Mr. Cummings about the Kress sign located on the building's parapet. He said that plans called for cleaning the sign. Mr. Roberts asked Mr. Cummings if the sign could be painted so to be in keeping with the other ornamental details of the proposed storefront restoration. Mr. Shell told the Board that sign would be painted it was possible or feasible.

Mr. Karwinski asked Mr. Cummings about the proposed treatment of the existing easternmost door unit. He said that the proposed window unit called for a solid field of glass that would extend to the floor level. Mr. Karwinski stated that the height of the unit's lower rail should line up with adjacent door unit for reason of visual continuity. Mr. Cummings and Mr. Shell said they would investigate units that would maintain a more continuous lower rail rhythm.

#### **FINDING OF FACT**

Mr. Karwinski moved that, based upon the evidence presented in the application and during the public testimony, the Board finds the facts in the Staff report, amending facts to specify the use of a continuous lower rail treatment for the doors and the painting of Kress sign. The painting of the sign will be conditional on its material composition.

The motion received a second and was unanimously approved.

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

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

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 9/15/11**

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

**2010-68-CA: 76 South Lafayette Street**  
**Applicant: Tracy Nelson**  
**Received: 8/30/10**  
**Meeting: 9/15/10**

**INTRODUCTION TO THE APPLICATION**

Historic District: Old Dauphin Way  
Classification: Contributing  
Zoning: R-1  
Project: Reroof the house with metal shingles.

**BUILDING HISTORY**

This gabled-roofed and porch-fronted bungalow was constructed prior to 1925. A nearly identical house stands several lots north on Lafayette Street.

**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 has never appeared before the Architectural Review Board. The applicant proposes replacing the existing asphalt shingled roof with a faux slate roof.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “A roof is one of the most dominant features of a building. Original or historic roof forms, as well as the original pitch of the roof should be maintained. Materials should be appropriate to the form and pitch and color.”
- C. Scope of Work:
  - 1. Reroof the house with faux slate shingles.
  - 2. The shingles will match those found at 910 Government Street.
  - 3. The roofing shingles will be grey in color.

**STAFF ANALYSIS**

Faux and alternative roofing treatments are reviewed on a case by case basis. The style of the house and the type of roofing are two concerns that are taken into consideration. With regard to the style and/or type of the house, this house is commonly known is an Arts and Crafts informed bungalow. Houses of this style and type did feature slate roofs. As per the proposed roofing type, it has been previously approved

by the Board on another property. Staff does not believe the proposed roofing impairs the architectural or the historical integrity of the building.

**STAFF RECOMMENDATION**

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

**PUBLIC TESTIMONY**

Tracy Nelson was present to discuss the application.

**BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Wagoner asked Mr. Nelson if he had any comments to add or questions to ask with regard to the Staff Report. Mr. Nelson answered no.

Mr. Wagoner asked Staff if the proposed shingles were the same as those installed at 910 Government Street. Mr. Blackwell answered yes.

Mr. Wagoner asked the Board if they had any comments to make or questions to ask.

Mr. Karwinski said he had one comment to make. Addressing Mr. Nelson, he stated that particular attention should be given to how the proposed shingles atop the porch tie into the wall. Mr. Nelson said he understood Mr. Karwinski's concerns.

Mr. Wagoner asked if any other Board members had any questions to ask or comments to make with regard to the application.

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

**FINDING OF FACT**

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

The motion received a second and was unanimously approved.

**DECISION ON THE APPLICATION**

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

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 9/15/11**

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

**2010-69-CA:**           **1564 Old Shell Road**  
**Applicant:**           **Ronald G. E. Smith**  
**Received:**           **8/30/10**  
**Meeting:**             **8/15/10**

**INTRODUCTION TO THE APPLICATION**

Historic District:        Old Dauphin Way  
Classification:         Contributing  
Zoning:                 R-1  
Project:                 After-the-Fact-Approval – Retain an interior lot privacy fence.

**BUILDING HISTORY**

This property features a circa 1840 Creole cottage. The house was remodeled in the 1920s and 1950s.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. This property has never appeared before the Architectural Review Board. The applicant installed interior lot privacy fencing along the eastern lot line without obtaining a Certificate of Appropriateness or a building permit. The applicant appears before the Board with a request to retain the fence.
- B. The Secretary of the Interior’s Standards for Historic Rehabilitation state, in pertinent part:
  - 1. Fencing “should complement the building and not detract from it. Design, scale, placement and materials should be considered along with their relationship to the Historic District. The height of solid fences in historic districts is generally restricted to six feet, however if a commercial property or multi-family housing adjoins the subject property, an eight foot fence may be considered. The finished side of the fence should face toward [the] public view. All variances required by the Board of Adjustment must be obtained prior to issuance of a Certificate of Appropriateness.”
- C. Scope of Work :
  - 1. Retain an authorized interior lot privacy fence.
    - a. The wooden fence extends along the eastern lot line.
    - b. The fence steps down in height from 6’ to 5’ to 4’ as it advances southward.

**STAFF ANALYSIS**

Most houses in Mobile’s historic districts feature relatively small front lawns. This house, along with the neighboring properties to the east and west, is set back within a large lot. While this fence qualifies as interior lot fencing, portions of the 6’ high and the whole of the 5’ and 4’ high sections of fencing extend beyond the front plane of both 1564 and 1562 Old Shell Road. The Board has generally ruled that fences

of six feet or higher should not extend beyond the front plane of the house. Though the fence steps down in height in accordance with previous board rulings, it is partially visible to westward bound traffic. Taking the size of the lawn, distance of the house from the street, and fence's step down to the street, Staff does not believe the fence impairs the integrity of the property or the district.

### **STAFF RECOMMENDATION**

Based on B (1), Staff does not believe this application impairs the architectural or the historical character of the building or the district. Staff recommends approval of the application on the condition that applicant shadow box those portions which face the public view.

### **PUBLIC TESTIMONY**

Ronald G. E. Smith was present to discuss the application.

### **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Wagoner asked Mr. Smith if he had any comments to add or questions to ask with regard to the Staff Report. Mr. Smith said that the portions of the fence facing the public view were already shadow-boxed.

Mr. Roberts asked why the application was appearing before the Board. Mr. Bemis explained to the Board that the application was the result of a 311 call. He reiterated that the size of the front yard and the location of the fence both meet setback requirements.

Mr. Wagoner asked the Board if they had any further questions for the applicant.

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

### **FINDING OF FACT**

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

The motion received a second and was unanimously approved.

### **DECISION ON THE APPLICATION**

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

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 9/15/11**

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

**2010-70-CA:**           **1515 Eslava Street**  
**Applicant:**           **Kimberly Stewart**  
**Received:**           **8/26/10**  
**Meeting:**             **9/15/10**

**INTRODUCTION TO THE APPLICATION**

Historic District:       Leinkauf  
Classification:         Contributing  
Zoning:                 R-1  
Project:                After-the-Fact-Approval – Remove a front porch infill. Install a new hollow panel front door. Remove a later rear addition. Retain the aluminum window replacements.

**BUILDING HISTORY**

This Craftsman influenced bungalow was built in the 1928.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. This property has never appeared before the Architectural Review Board. The applicant seeks after-the-fact-approval for the removal a later front porch enclosure, the installation of a metal door, the demolition of a later rear addition, and the installation of vinyl-clad windows.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “The porch is an important regional characteristic of Mobile architecture. Historic porches should be maintained and repaired to reflect their period. Particular attention should be paid to handrails, lower rails, balusters, decking posts/columns, proportions and decorative details.”
  - 2. “The form and shape of the porch and its roof should maintain their historic appearance. The materials should blend with the style of the building.”
  - 3. “Often one of the most important decorative features of a house, doorways reflect the age and style of a building. Replacement [doors] should respect the age and style of the building.”
  - 4. “The type, size and dividing lights of windows and their location and configuration (rhythm) on the building help establish the historic character of a building. Original window openings should be retained as well as original window openings.”
  - 5. “Where windows cannot be repaired, new windows must be compatible to the existing. The size and placement of new windows for additions and alterations should be compatible with the general character of the building.”
- C. Scope of Work:
  - 1. Remove the front porch infill.
  - 2. Install wooden siding on the portions of the façade once fronted by the porch infill.

3. Install a new hollow paneled front door.
4. Remove a later rear addition.
5. Retain the aluminum replacement windows.

## **STAFF ANALYSIS**

The applicant's contractor neglected to obtain a building permit before removing the porch enclosure, rear addition, and windows. Because this work was done without a permit the Board and Staff were not afforded the opportunity to view the conditions of the building before the structure was altered.

The front porch was enclosed at an early date. The removal of the porch infill recaptures architectural integrity of form and detail, as well as improving the visual appeal and historical appearance of the streetscape. The replacement wooden siding facing the reopened porch does not line up with aluminum siding.

The replacement front door is a hollow paneled metal door and is not in keeping with the style of the house. The Guidelines deem metal doors inappropriate for use in the historic districts.

Staff files contain no information regarding the form and appearance of the rear addition. The later rear addition post dates the 1955 Sanborn Maps. The removal of the addition involved the removal of a carport or overhang from the southeast corner of the house. By removing the later addition and overhang, the house has been returned to its original footprint and matches the 1955 Sanborn.

The house originally featured three-over-one wooden sash windows. Some of the windows had already been removed prior to the recent work. One-over-one aluminum windows were used to replace the windows. The prefabricated units do not fit the reveals. The Guidelines deem aluminum windows inappropriate for use in the historic districts.

## **STAFF RECOMMENDATION**

Based on B (1-2), Staff does not believe the removal of the porch impairs the architectural or historical character of the building or the district. Staff recommends approval of that portion of the application.

Based on B (3), Staff believes the replacement door impairs the architectural and historical character of the building and the district. Staff does not recommend approval of the replacement door.

Staff has no documentation of the rear additions. Since the house now occupies its original footprint and the rear additions were post 1955, Staff recommends approval of the removal of the rear additions.

Based on B (4-5), Staff believes the replacement windows impair the architectural and historical character of the building and the district. Staff does not recommend approval of the replacement windows.

## **PUBLIC TESTIMONY**

Brian and Kimberly Stewart were present to discuss the application.

## **BOARD DISCUSSION**

The board discussion took place concurrently with the public testimony. Mr. Wagoner told the applicants that while some of the work met the standards established by the Guidelines for Mobile's Historic Districts, some parts did not. He told the applicants that Staff recommended approval of the removal of



the porch enclosure and rear addition, but they did not recommend approval of the replacement door and windows. Mr. Wagoner asked Mr. and Mrs. Stewart if he had any comments to add or questions to ask with regard to the Staff Report.

Mrs. Stewart told the Board that the house was a rental property. She said that four different types of windows were removed from the house in order to install the current windows. Mrs. Stewart told the Board that if she had known that the house was under Review Board jurisdiction she would not have removed the windows.

Mr. Roberts asked Mr. and Mrs. Stewart two questions. First, when did she purchase the property? Secondly, why did she fail to obtain a building permit before commencing the work? Mrs. Stewart told the Board that she purchased the house ten years ago and that she employed a contractor to do the work.

Mr. Roberts explained to the applicants why he asked the aforementioned questions. He said that he was interested as to why people do not know or understand the obligations of living or owning property in the historic districts. He told the Stewarts that in asking questions relating to those concerns, the Board might be able to raise awareness and understanding of municipal preservation policies.

Mr. Bemis explained to the Board two ways which people are notified that they live or own property in a historic district. He said that whenever water is turned on at a property a notice is delivered to the property owner that informs them of said property's inclusion within a historic district. Mr. Bemis said that whenever a property changes hands, a purchaser is notified in their closing documents that they are in a historic district. He said that since 1515 Eslava Street is located within the Leinkauf expansion area, the applicants would have been doubly informed via two letters, the first sent prior to the vote to expand the district and the second sent following the expansion.

Mrs. Stewart told the Board that if she knew then what she knows now that she would not have proceeded with the work. She told the Board that wanted to resolve the issue, but was unsure as to how she should proceed.

Mr. Roberts told the applicants that if they had obtained a building permit, the issue would have been avoided. Mrs. Stewart reiterated that her contractor failed to obtain a building permit prior to commencing the work. She said that she had already spent \$5,000 on improvements which were unnecessary, but she felt improved the appearance and energy efficiency of the property.

Mr. Wagoner applauded the applicants for their efforts, but said that the contractor should have known that he needed to obtain a building permit. In doing so he would have been directed to Staff who would have informed him that the proposed window and doors were deemed in appropriate by the Design Review Guidelines for Mobile's Historic Districts. Mr. Bemis told Mrs. Stewart that she might be able to file against the contractor's bond and recover some or all of her money.

## **FINDING OF FACT**

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

The motion received a second and was unanimously approved.

## **DECISION ON THE APPLICATION**

Mr. Karwinski moved that, based upon the facts as approved by the Board, the removal of the porch enclosure and the reconfiguration of the rear elevation do not impair the historic integrity of the district or the building and that a Certificate of Appropriateness be issued for that portion of the application.

The motion received a second and was unanimously approved.

Mr. Karwinski moved that, based on the facts as approved by the Board, the installation of the aluminum windows and the metal door do impair the historic integrity of the district or the building and that a Certificate of Appropriateness not be issued for that portion of the application.

The motion received a second and was unanimously approved.

**Certificate of Appropriateness Expiration Date: 9/15/11**