

**ARCHITECTURAL REVIEW BOARD MINUTES**  
**September 19th 2018 – 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 3:03p.m. Paige Largue, MHDC Staff, called the roll as follows:  
**Members Present:** Steve Stone, John Ruzic, Kim Harden, Craig Roberts, Robert Brown, Catarina Echols, Harris Oswalt and Bob Allen.  
**Members Absent:** David Barr, Jim Wagoner, Carolyn Hasser, and Nick Holmes.  
**Staff Members Present:** Marion McElroy, Florence Kessler, Bridget Daniel, John Sledge, and Paige Largue.
2. Mr. Brown moved to approve the minutes of the September 19th, 2018 meeting. The motion received a second and was approved unanimously.
3. Mr. Roberts moved to approve the Midmonths. The motion received a second and was approved with one opposed, Mr. Allen.

**B. MIDMONTH APPROVALS: APPROVED.**

1. **Applicant: Stimrad Investments, LLC**
  - a. Property Address: 959 Elmira Street
  - b. Date of Approval: 8/26/2018
  - c. Project: Replace and repair deteriorated wood to match existing in profile, dimension and material. Repair deteriorated wooden windows to match in dimension, profile and material. Repaint in the following color scheme: Body: Fort Conde Gray Beige; Columns, railing, window, brackets and door casing: Detonti Off White; Window Sashes: Summerville Red; Brick, Porch, Cheek Walls: Conti Street Beige; Caps on brick porch and cheek walls: Fort conde Gray/ Beige; and Porch Floor: either Conti Street Beige or Summerville Red.
2. **Applicant: C Coast Management, LLC**
  - a. Property Address: 220 Dauphin Street
  - b. Date of Approval: 8/28/2018
  - c. Project: Replace deteriorated tongue and groove on gallery to match. Repaint to match.
3. **Applicant: Atchison Properties**
  - a. Property Address: 1054 New St. Francis Street
  - b. Date of Approval: 8/30/2018
  - c. Project: Reroof with three tab shingles, repair rotten wood as necessary.
4. **Applicant: Golero, LLC**
  - a. Property Address: 1751 Old Shell Road
  - b. Date of Approval: 9/5/2018
  - c. Project: Install wooden wall sign to be painted bronze on northern wall.
5. **Applicant: Melissa Kyle**
  - a. Property Address: 906 Church Street
  - b. Date of Approval: 9/5/2018
  - c. Project: Repair/replace rotten wood to match original in materials, profile and dimension. Repaint body white, trim light green, replace front door per original (wood), reroof with tin 5 v-crimp.
6. **Applicant: Mario Saybe Construction**
  - a. Property Address: 261 Houston Street

- b. Date of Approval: 9/6/2018
- c. Project: Replace deteriorated wood around door to match in dimension, profile and material. Replace damaged window panes to match. Repaint to match existing.

**7. Applicant: Brenda Stanton**

- a. Property Address: 7 N. Jackson Street
- b. Date of Approval: 9/6/2018
- c. Project: Repair dormer windows to match existing in dimension, profile and material. Repair gallery decking and support beams to match. Repaint all to match existing.

**C. APPLICATIONS**

**1. 2018-28-CA: 705 Springhill Avenue (bound by Washington Avenue and Dauphin Street)**

- a. Applicant: Douglas Kearley of DBK, Inc. on behalf of Wendell Quimby
- b. Project: Renovation Related: Removal of wall to create courtyard; minor repairs; and installation of fence.

APPROVED. CERTIFIED RECORD ATTACHED.

**2. 2018-29-CA: 1004 Government Street**

- a. Applicant: Ms. Kristin Granade and Ms. Nancy Granade
- b. Project: Fenestration Related: Re-side over an existing window.

APPROVED CERTIFIED RECORD ATTACHED.

**3. 2018-30-CA: 52 S. Julia Street**

- a. Applicant: Mr. Kenneth O'Hanlon
- b. Project: Construct fence 7' in height.

DENIED. CERTIFIED RECORD ATTACHED.

**4. 2018-31-CA: 456 Chatham Street**

- a. Applicant: Mr. Douglas Kearley of DBK, Inc. on behalf of Mr. Mike Rogers
- b. Project: Rehabilitation Related: Repair/ replace to match existing; construct new rear deck; remove concrete steps and construct wooden steps.

APPROVED. CERTIFIED RECORD ATTACHED.

**5. 2018-32-CA: 1551 Springhill Avenue**

- a. Applicant: Mark Colgazier of Colgazier Builders, Inc. on behalf of BSM, LLC
- b. Project: Demolish a non-contributing building.

APPROVED. CERTIFIED RECORD ATTACHED.

**D. OTHER BUSINESS**

- 1. Next meeting will be held on October 3, 2018.
- 2. Discussion took place on the results of the appeal submitted by 1654 Government Street at the City Council meeting. Ms. Largue informed the Board members the Council moved to holdover the application for 60 days in attempt for a compromise. She noted Council was informed at both Pre-Council and Council that the ARB had heldover the application for a Design Review Committee meeting on site with the owner to attempt to find a resolution, but ultimately there was nothing in the Design Review Guidelines for Mobile's Historic Districts to allow such an alteration and the applicant needed a period appropriate railing.

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

**2018-28-CA: 701-705 Springhill Avenue (bound by Washington Avenue, Springhill Avenue, and Dauphin Street)**

**Applicant: Mr. Douglas B. Kearley of DBK, Inc. on behalf of Mr. Wendell Quimby**

**Received: 8/29/2018**

**Meeting: 9/19/2018**

**INTRODUCTION TO THE APPLICATION**

Historic District: Lower Dauphin Street Commercial

Classification: Contributing)

Zoning: T5.1

Project: Renovation Related: Removal of secondary wall to create courtyard; minor repairs; installation of fence.

**BUILDING HISTORY**

This multi-building complex occupies a triangular block. The building dates from 1946, with streamlined features.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. This property last appeared before the Architectural Review Board on November 19<sup>th</sup>, 2014 according to the MHDC vertical files. At that time approval for an ancillary deck was obtained. The proposed scope of work includes removal of a wall and creation of a courtyard.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “Preserve elements, both structural and decorative, that contribute to a building’s historic character.” (Chapter 7)
  - 2. “Do not use theme designs that do not reflect the original character of the building or the district.”
  - 3. “Do not alter a building to appear older or younger than it is. Alter buildings to reflect the building’s period of significance.”
  - 4. “Preserve the key character-defining features of a historic commercial façade.” (Section 7.1)
  - 5. “If replacement of some material is required, use a material that is similar to that of the original.” (Section 7.8)
  - 6. “Preserve and repair the key character-defining features of a historic commercial roof.” (Section 7.9)
  - 7. “Preserve and repair an original detail or ornamentation on a historic commercial building.” (Section 7.18)

8. "Preserve the size and shape of an upper story window."
9. "Design a fence to be compatible with the architectural style of the house and existing fences in the neighborhood." (Section 10.2)
10. "Install a cast-iron or other metal fence not exceeding 48" in height if located in the front yard."
11. "Design a fence located behind the front building plane to not exceed 72" in height. If the subject property abuts a multi-family residential or commercial property, a fence up to 96" will be considered."
12. "Based on the chosen fence material, use proportions, heights, elements and levels of opacity similar to those of similar material and style seen in the historic district."

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

1. Conduct partial demolition (see demolition plan.)
  - a. Remove portion of roof.
  - b. Demolish wall constructed of plywood and overhead door on the South elevation perimeter parcel line. .
  - c. High roof, windows, and columns will remain as indicated.
2. Conduct repairs.
  - a. Apply sand finished stucco to walls.
  - b. Repair existing clerestory windows.
  - c. Remove concrete slab and install pavers.
3. South (façade) Elevation (facing Dauphin Street)
  - a. Construct 5' 0" high metal picketed fence along the perimeter of the Southern lot line, beginning at a western wall and terminating at an eastern wall.
  - b. A pair of 5'0" in width gates will access the courtyard.
  - c. The wall on the eastern portion of the elevation will be punctuated by one multi-paned steel casement window.
  - d. The upperstory of the eastern portion of the elevation will be punctuated by new aluminum clad windows to match existing clerestory windows in configuration and dimension.
  - e. A set of three wooden French doors with single lite transom will be installed along a new wall.
    - i. The doors will be equidistant from one another.
    - ii. The doors will measure 2'6" in width by 7'0" in height.
    - iii. The doors will match those existing on the East courtyard elevation.
  - f. West (a side, courtyard) Elevation
    - i. The West Elevation will feature two French doors with transoms.
    - ii. Existing clerestory windows will remain.

**STAFF ANALYSIS**

The application proposes minor repairs, removing a later wall, and construction of courtyard. The wall being proposed to be removed is constructed of plywood with an overhead door. It is not original to the building nor does it fall within the period of significance of the Lower Dauphin Street Commercial District. The Design Review Guidelines state that elements which contribute to the historic integrity of the building be preserved (See B-1). A roof will also be removed to allow for construction of an open courtyard. The roof is not visible from the street and does not lend to the character of the building (See B-6).

Materials and elements including clerestory windows will be repaired (See B-8). Although not seen from public view currently, the clerestory windows are a defining feature of this 1940's building. The walls will be stuccoed with a sand finish.

New elements will be constructed. Upper story aluminum clad windows will be installed on the eastern portion of the South elevation. These windows will match the configuration of the existing clerestory windows. Aluminum clad is an acceptable material for new windows in historic districts. Below the upper story windows will be a re-purposed steel casement window. French doors will be installed along the South elevation on the interior courtyard wall. Doors are compatible with the district (See B-2) and constructed of approvable materials. A set of French doors will also be installed on the West elevation in the courtyard.

A metal picketed fence will be installed on the southern perimeter of the parcel and allow views into the courtyard. The fence will be 5'0" in height as is allowed behind the primary façade of the building (See B-11). It will feature a pair of gates to allow for access into the courtyard. Metal fences are utilized though out the Lower Dauphin Street Commercial District to screen lots (See B-12).

### **STAFF RECOMMENDATION**

Based on B (1-2), Staff does not believe this application would impair either the architectural or the historical significance of the building or the district. Staff recommends approval of this application.

### **PUBLIC TESTIMONY**

Mr. Douglas Kearley, owner's representative, was present to discuss the application.

### **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony.

Mr. Oswalt welcomed Mr. Kearley and asked if he had any concerns, questions, or comments. Mr. Kearley replied Ms. Lague explained the project fully.

Mr. Roberts asked if the project was an extension of the restaurant it is adjacent too. Mr. Kearley responded the project was located behind the restaurant and may be utilized by it.

No further discussion from the Board ensued.

Mr. Oswalt opened the application to public comment. With no one to speak either for or against the application, Mr. Oswalt closed the period of public comment.

### **FINDING OF FACT**

Mr. Roberts moved that, based upon the evidence presented in the application and during the public testimony the Board finds the facts in the Staff report, 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 building or the district and that the application be approved.

The motion received a second and was approved unanimously.

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

**2018-29-CA: 1004 Government Street**  
**Applicant: Ms. Kristin Granade and Ms. Nancy Grenade**  
**Received: 8/31/2018**  
**Meeting: 9/19/2018**

**INTRODUCTION TO THE APPLICATION**

Historic District: Oakleigh Garden  
Classification: Contributing (Main Building)  
Zoning: B-1  
Project: Fenestration Related: Reside over an existing window.

**BUILDING HISTORY**

This house is known as the Kearney House. This residence dates to 1869, with significant changes circa 1910 designed by George B. Rogers. . The original building was rectangular in plan with an extended rear wing. The alterations were constructed in the Neo-Classical style, as evident by the full height Corinthian columns.

**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 not appeared before the Architectural Review Board according to the MHDC vertical files. The proposed scope of work includes siding over a window on a secondary elevation.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in physical character and durability. Composition, design, color, texture, and other visual qualities should appear similar to the original material. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence.” (Chapter 5)
  - 2. “Preserve the key historic walls of a building.”
  - 3. “Maintain significant historic façades in their original form.”
  - 4. “Maintain historic façade elements.”
  - 5. “Pay special attention to maintaining the historic appearance of building walls of corner buildings.”
  - 6. “Repair deteriorated building materials by patching, piecing-in, consolidating or otherwise reinforcing the material.” (Section 5.4)
  - 7. “Remove only those materials which are deteriorated, and beyond reasonable repair.”
  - 8. “Use original materials to replace damaged materials on primary surfaces where possible.”(Section 5.6)

9. “The type, size, framing, and dividing lights of windows, as well as their location and configuration (rhythm), help establish the historic character of a building. Original window components should be retained to the extent possible. The character-defining features of a window should be preserved. Historic windows can be repaired through re-glazing and patching and splicing wood elements such as muntins, frame sill and casing. Repair and weatherization is generally more energy efficient and less expensive than replacement. Windows should be in character with the historic building.”
10. “For most contributing properties in historic districts, the windows that are on the front elevation and those on the sidewalls that are visible from the street will be the most important to preserve. Windows in other locations that have distinctive designs and that represent fine craftsmanship may also be important to preserve.”
11. “Where historic (wooden or metal) windows are intact and in repairable condition, retain and repair them to match the existing as per location, light configuration, detail and material. “ (Section 5.20)
12. “Preserve historic window features, including the frame, sash, muntins, mullions, glazing, sills, heads, jambs, moldings, operation, and groupings of windows.”
13. “Repair, rather than replace, frames and sashes, wherever possible.”
14. “For repair of window components, epoxies and related products may serve as effective solutions to material deterioration and operational malfunction.”
15. “When historic windows are not in a repairable condition, match the replacement window design to the original.” (Section 5.21)
16. “In instances where there is a request to replace a building’s windows, the new windows shall match the existing as per location, framing, and light configuration.”
17. “Use any salvageable window components on a primary elevation.”
18. “ACCEPTABLE WINDOW MATERIALS: Materials that are the same as the original, or that appear similar in texture, profile and finish to the original are acceptable. These often include: Wood sash; Steel, if original to structure; Custom extruded aluminum; Aluminum clad wood; Windows approved by the National Park Service.”

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

1. Remove rectangular diamond pane window on a secondary façade facing Common Street. .
2. Feather in lapsiding to match existing.

**STAFF ANALYSIS**

This application concerns the removal of a rectangular diamond pane window on a façade elevation of a corner lot. The window is not being utilized in the interior space of the building, and the owners would like feather in siding to match the house. When reviewing alterations to fenestration historic significance and location of the feature are taken into account. .

The house dates back to the mid-19<sup>th</sup> century with major alterations occurring in 1910-1914. Alterations over those years transformed the house from antebellum, to Victorian, and into the turn of the century Neo-Classical revival style present today. The diamond shape of the window panes was widely used in the Revival architectural styles such as Tudor Revival and Dutch Colonial, which spanned from the late 1800’s until the early 1940’s (See B-10). These styles were most popular from 1900-1930.

For contributing properties, those elements on the visible primary and side walls are most important to preserve (See B-10). The window is located on the upperstory of a secondary façade which abuts



Common Street. The window is in a deteriorated state. Wood has rotted and panes need to be replaced. The window has an intricate design and is constructed of materials that can be repaired or replaced (See B-10 and See B-1). Other preservation tools can be employed to repair the window, such as epoxy (See B-13).

### **STAFF RECOMMENDATION**

Based on B(1-10), Staff does believe the application as proposed will impair either the architectural or the historical character of the property or district. Staff recommends denial of the application as proposed but welcomes any recommendations from the Board.

### **PUBLIC TESTIMONY**

Ms. Nancy Granade, owner, was present to discuss the application.

### **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony.

Mr. Oswalt welcomed Ms. Nancy Granade and asked if she had any concerns, questions, or comments. Ms. Granade stated the window will not be used on the interior of the house and would like to re-side over the location of the window to for a cleaner aesthetic. She explained the house has had several additions over the years. She noted the window would be re-purposed elsewhere on the house.

Ms. Harden inquired as to the room the window was located. Ms. Granade replied it was in a bathroom what was believed to had been installed in the 1960's. Ms. Harden noted a large rehabilitation took place in the 1970's. Ms. Granade noted the room would still be a bath room, but the location of the window will be walled up.

Ms. Granade confirmed for Mr. Stone the door on the East elevation would remain.

Mr. Roberts noted the shutters were not original to the house. Ms. Granade stated they were on repairing the shutters. Mr. Roberts further mentioned the window does look original to the 19<sup>th</sup> century and noted it looked out of place so close to the window proposed to be removed. Ms. Largue stated the diamond paned window was utilized on the revival style period homes. It was noted shutters on the large window adjacent to the proposed window to removed would cover the smaller window.

Mr. Roberts reiterated the window placement was off, but you could wall the interior and place a mirror behind the window. Ms. Granade restated her concern that operable louvered shutters would conceal the diamond pane window.

Mr. Allen commented he was unsure of the date of the window. Ms. Largue responded the window was more than likely from the 1910 renovation since that configuration of window was popular at the time. Mr. Ruzic and Ms. Harden stated if the window was not original, it could be considered contributing to the structure do to its age. Mr. Ruzic also stated it could be relocated on the house.

No further discussion from the Board ensued.

Mr. Oswalt opened the application to public comment. With no one to speak either for or against the application, Mr. Oswalt closed the period of public comment.

## **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 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 and the amended application, the application does not impair the historic integrity of the building or the district and that the application be approved with the understanding the window will be repurposed on the structure.

Mr, Ruzic moved to deny the application and ask the applicant to return with plans for the repurposed window.

Ms. Harden stated she was opposed to the window's removal given that it had been on the house for over a hundred years and was a contributing element. Mrs. Echols asked if the applicant would be willing to move the window further northern on the elevation to align with the entrance below. Ms. Granade asked why the window would need to remain in the same location if it served no use. Ms. Harden explained that since the window dated to the 1910 renovation, it is has achieved its own level of significance over time. It contributes to the historic fabric of the building. Mr. Roberts stated that if a building is over 75 years of age it is eligible to apply for a Banner and Shield awarded by the MHDC. Ms. Largue explained that buildings can be considered historic at the age of 50 by the National Park Service.

Mr. Stone moved that, based upon the facts as approved by the Board and, the application does not impair the historic integrity of the building or the district since this window was not original to the house and that the application be approved with the understanding the window will be repurposed on the structure.

The motion received a second and was approved with Ms. Harden opposed.

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

**2018-30-CA: 52 S. Julia Street**  
**Applicant: Mr. Kenneth O’Hanlon**  
**Received: 9/4/2018**  
**Meeting: 9/19/2018**

**INTRODUCTION TO THE APPLICATION**

Historic District: Old Dauphin Way  
Classification: Contributing  
Zoning: R-1  
Project: Construct a fence 7’ in height.

**BUILDING HISTORY**

This church on this property dates to 1953. Previously it had been located on St. Francis Street from 1862-1953. The ancillary building dates from the 1950’s. The ancillary building has undergone several alterations and renovations in the 1980’s and 1990’s.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. This property last appeared before the Architectural Review Board on on October 4, 1998 according to the MHDC vertical files. At that time the Board denied a request to modify previously approved plans to which that was under construction per the submitted sketches. The proposed scope of work includes constructing a fence 7’ in height.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “Fences and low walls are character-defining features of many properties in Mobile’s historic districts. A historic fence, wall or gate should be preserved. A new fence, wall or gate should be compatible with the architectural style of the primary building and these same elements on other properties in the district.” (Section 10)
  - 2. “Design a fence to be compatible with the architectural style of the house and existing fences in the neighborhood.” (Section 10.2)
  - 3. Pertaining to rear and non-corner side fences behind the front building plane “Design a fence located behind the front building plane to not exceed 72” in height. If the subject property abuts a multi-family residential or commercial property, a fence up to 96” will be considered.”
  - 4. “An alternative fence material with proven durability, matte finish and an accurate scale and proportion of components is acceptable. A simple wood-and-wire fence is acceptable provided it is appropriate to the style of the house.”

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

1. Construct wooden dogeared fence 7' in height.
  - a. Fence will be stained a dark color to match wrought iron fence.
  - b. Fence will run along the southern and northern perimeter of the property.

## **STAFF ANALYSIS**

This application entails the installation of fencing. The Design Review Guidelines state that fencing should be compatible with the character of the house and existing fences in the district (See B-1). Several examples of stained wooden fences can be cited within the district and have been approved in recent years.

In regards to the height of the fence, as proposed it exceeds the Design Review Guidelines which state fences behind of the front plane of residential properties can be up to 6' in height. The Guidelines go on further to state if the property abuts a multi-family or commercial property, a fence can be constructed up to 8' in height (See B-3). The property is located in a residential area and does not abut a multi-family or commercial property on either the north or south perimeter lot lines.

## **STAFF RECOMMENDATION**

Based on B(1-3), Staff does believe the application will impair either the architectural or the historical character of the property or district. Staff recommends denial of the application and notes in July 2017 a similar application for a fence was denied by the Board.

## **PUBLIC TESTIMONY**

Mr. Ken O'Hanlon, owner, was present to discuss the application.

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony.

Mr. Oswalt welcomed Mr. Hanlon and asked if he had any concerns, questions, or comments. Mr. Ohanlon described the location of the proposed fence.

Mr. O'Hanlon clarified for Mr. Stone the fence would be constructed adjacent to the fence on his neighbor's property. Ms. Harden inquired as to why Mr. O'Hanlon was requesting a 7' high fence. Mr. Ohanlon replied for privacy.

Ms. Largue clarified for Ms. Harden the fence in the front setback in photos was previously approved. Mr. O'Hanlon noted the fence dated from the 1890's.

Mr. Roberts noted the proposed fence is one foot higher than the allowed six feet. Mr. O'Hanlon referred to a "grandfather clause" to allow for a higher fence than in the Guidelines. Mr. O'Hanlon then stated according to the zoning ordinance, the maximum height for a fence in the front yard is 3' and for side yards 8'. Mr. Roberts stated the Historic District Overlay does not allow for an 8' fence in locally designated historic districts. Mr. O'Hanlon stated he had obtained a copy of the ordinance and it did not stipulate the height of the fence, and does not state the jurisdiction of the ARB over of the Board of Adjustment (BOA). He stated when he originally received a variance for the front fence height, he went to the Zoning Department, applied to the BOA, and received a variance for the fence height, then received

the COA (Certificate of Appropriateness).

Mr. Roberts noted if the Board denies an application can appeal to Council. Mr. O'Hanlon stated he had been before.

Mr. O'Hanlon stated the fence he is installing in the front setback is historic. He explained at that time the ARB cited the "Old House Journal" one reference for historic properties. He further explained that he did not see a stipulation as to a height of the fence in the journal. He then stated unless the Board could come up with a basis that the 6' side and rear yard fence height was historic, then it is arbitrary.

Mr. Allen asked for a legal opinion and stated the ordinance gives the MHDC the right to come up with guidelines. Mr. Oswalt stated the guidelines implemented by the ordinance does not allow the Board to approve fences that are more than 6' in height if they do not abut a commercial property. He noted the guidelines are adopted by the ARB and MHDC.

Ms. Largue explained that Chapter 44 of the City Ordinance outlines the Board's and the Commission's power and duties, which include adopting guidelines for work on the exterior of historic properties. Ms. Kessler recommended to Mr. O'Hanlon to submit in writing his legal objections.

Mr. O'Hanlon cited a document that stated the Board was not to consider interior designs or plans. Mr. Allen responded the Board has not considered anything relating to the interior.

Mr. O'Hanlon showed a pamphlet, which was an outdated version of the Guidelines. Ms. Kessler stated the document present was outdated and superseded by the current guidelines. She stated the application was for the construction on a 7' fence on a property, and there was no reason to discuss the interior. She explained the Board was charged with reviewing application in locally designated historic districts and to see if it is consistent with the guidelines. She further explained the application was not consistent with the guidelines. Mr. O'Hanlon stated it was consistent with the guidelines available four years earlier. Ms. Kessler replied the current guidelines were adopted over two years ago. She explained there was thorough research of historic district guidelines across the country by staff and consultants, and public meetings. Ms. Kessler showed a current copy of the guidelines. Mr. O'Hanlon then showed the outdated guideline pamphlet and stated it was current. Ms. Kessler then stated she had already explained his copy of the guidelines were outdated.

No further discussion from the Board ensued.

Mr. Oswalt opened the application to public comment. With no one to speak either for or against the application, Mr. Oswalt closed the period of public comment.

## **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 written.

The motion received a second and was unanimously approved.

## **DECISION ON THE APPLICATION**

Mr. Roberts moved that, based upon the facts as approved by the Board the application does impair the historic integrity of the building or the district and that the application be denied.

The motion received a second and was approved unanimously.

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

**2018-31-CA: 456 Chatham Street**  
**Applicant: Mr. Douglas B. Kearley of DBK, Inc. on behalf of Mr. Mike Rogers**  
**Received: 9/5/2018**  
**Meeting: 9/19/2018**

**INTRODUCTION TO THE APPLICATION**

Historic District: Oakleigh Garden  
Classification: Contributing  
Zoning: R-1  
Project: Rehabilitation Related: Repair/replace to match existing; construct new deck; remove concrete steps and construct wooden steps.

**BUILDING HISTORY**

This Victorian house was constructed by Charles Griffin, a carpenter, in 1874. He also constructed the two properties adjacent to 456 Chatham. This wood frame dwelling features a recessed porch with turned posts and brackets.

**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 not appeared before the Architectural Review Board according to the MHDC vertical files. The proposed scope of work relates to the rehabilitation of the building, including repair and replacement to match materials in kind; construction of a new rear deck; and constructing wooden steps.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
  - 1. “Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in physical character and durability. Composition, design, color, texture, and other visual qualities should appear similar to the original material. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence.” (Chapter 5)
  - 2. “Remove only those materials which are deteriorated, and beyond reasonable repair.”
  - 3. “Use original materials to replace damaged materials on primary surfaces where possible.”(Section 5.6)
  - 4. “Use new roof materials that convey a scale and texture similar to those used traditionally.” (Section 5.13)
  - 5. Pertaining to roofs: “Muted grays and black are generally acceptable shingle colors.”
  - 6. “The type, size, framing, and dividing lights of windows, as well as their location and configuration (rhythm), help establish the historic character of a building. Original window components should be retained to the extent possible. The character-defining

features of a window should be preserved. Historic windows can be repaired through re-glazing and patching and splicing wood elements such as muntins, frame sill and casing. Repair and weatherization is generally more energy efficient and less expensive than replacement. Windows should be in character with the historic building.”

7. “For most contributing properties in historic districts, the windows that are on the front elevation and those on the sidewalls that are visible from the street will be the most important to preserve. Windows in other locations that have distinctive designs and that represent fine craftsmanship may also be important to preserve.”
8. “Original doors and openings, including their dimensions, should be retained along with any moldings, transoms or sidelights.” (Section 5.14)
9. “Preserve historic stylistic and architectural details and ornamentation.” (Section 5.17)
10. “Preserve storefronts, cornices, turned columns, brackets, exposed rafter tails, jigsaw ornaments and other key architectural features that are in good condition.”
11. “Where historic (wooden or metal) windows are intact and in repairable condition, retain and repair them to match the existing as per location, light configuration, detail and material. “ (Section 5.20)
12. “Preserve historic window features, including the frame, sash, muntins, mullions, glazing, sills, heads, jambs, moldings, operation, and groupings of windows.”
13. “Repair, rather than replace, frames and sashes, wherever possible.”
14. “For repair of window components, epoxies and related products may serve as effective solutions to material deterioration and operational malfunction.”
15. “When historic windows are not in a repairable condition, match the replacement window design to the original.” (Section 5.21)
16. “In instances where there is a request to replace a building’s windows, the new windows shall match the existing as per location, framing, and light configuration.”
17. “Match the foundation height of a porch addition to that of the existing historic structure.” (Section 6.18)
18. “Do not use a contemporary deck railing for a porch addition placed at a location visible from the public street.”
19. “Maintain or install a walkway leading directly from the sidewalk to the main building entry.” (Section 10.5)
20. “Maintain the existing width of neighboring sidewalks.” (Section 10.6)

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

1. Conduct repairs to the residence.
  - a. Reroof the house with asphalt shingles in neutral color.
  - b. Install metal drip edge. .
  - c. Repair existing gable shingles to match in dimension, profile, and material.
  - d. Repair and replace wood elements including turned posts, brackets, siding, fascia, soffits, and decking to match as per profile, dimension and material.
  - e. Repair when necessary wooden windows to match existing as per material, light configurations and moldings.
  - f. Repair foundation piers and install new fill between piers.
  - g. Wood framed lattice fill between piers will match that existing.
  - h. East (Front Façade) Elevation
    - i. Remove existing concrete steps.
    - ii. Install wooden step and handrail.
    - iii. Install new handrail.
  - i. South (Side) Elevation



- i. Remove existing six-over-six window and feather in siding. Window will be repurposed on rear elevation.
  - j. West (rear) Elevation
    - i. Remove concrete steps.
    - ii. On southern portion of elevation remove an existing six-over-six window and install a six-over-six window relocated from the South elevation.
- 2. Construct a wooden deck.
  - a. The deck will extend from the rear elevation.
  - b. The deck will be constructed of wood.
  - c. The deck will take the form of a platform.
  - d. A set of wooden steps will access the deck.
- 3. Conduct site improvements.
  - a. Install a gravel drive 8' in width on the northern portion of the lot accessing the street.
  - b. Remove previous sidewalk.
  - c. Pour new concrete sidewalk to access the front entrance.

## **STAFF ANALYSIS**

The application calls for the rehabilitation of an existing residence. Repair and replacement of in kind materials also informs the scope of work. Fenestration would be modified and site conditions minimally altered. All of the aforementioned alterations would not impair the historical integrity of the residence.

In accordance with the Design Review Guidelines, all repair and replacement work will match the original in profile, dimension and material (See B-1.) The roof will be re-sheathed with asphalt shingles in a neutral hue (See B-4). Wooden elements will be replaced to match in dimension, profile and material (See B 6 and B-10). Brick piers will be re-pointed and repaired rather than replaced.

Fenestration changes are minimal to the building and are located on either a secondary elevation or at the rear of the residence. One window located on the South (side) elevation will be relocated and siding will be feathered in (See B-6). The West (Rear) Elevation will have an existing window removed and replaced by the aforementioned window. The fenestration pattern will still maintain the rhythm established on the elevations.

As per the site improvements, a new deck, sidewalk and driveway will be constructed. The deck will take form of a wooden platform with steps. The deck will be located off the rear elevation and out of public view (See B- 18). The concrete sidewalk will be installed and connect the front entrance to the right of way (See B-19). A gravel drive will be installed.

## **STAFF RECOMMENDATION**

Based on B(1-6) Staff does not believe the application will impair either the architectural or the historical character of the property or district. Staff recommends approval of the application as proposed.

## **PUBLIC TESTIMONY**

Mr. Douglas Kearley, owner's representative, was present to discuss the application.

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony.

Mr. Oswalt welcome Mr. Kearley and asked if he had any concerns, questions, or comments. Mr. Kearley replied Ms. Largue explained the project fully.

Mr. Roberts noted the cost of the project seeming low, and Mr. Kearley replied he completed plans as requested.

Mr. Douglas explained the windows on the house were lowered over the years. Ms. Harden noted the steps were shifted in the plans. Mr. Kearley stated the new location in front of the doors was more functional.

Mr. Kearley stated a lean-to had been added in the back of the house post the original construction date.

Ms. Largue confirmed for Mr. Roberts the house was constructed circa 1874.

No further discussion from the Board ensued.

Mr. Oswalt opened the application to public comment. With no one to speak either for or against the application, Mr. Oswalt closed the period of public comment.

#### **FINDING OF FACT**

Mr. Roberts moved that, based upon the evidence presented in the application and during the public testimony the Board finds the facts in the Staff report, 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 building or the district and that the application be approved.

The motion received a second and was approved unanimously.

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

**2018-32-CA:** 1551 Springhill Avenue  
**Applicant:** Mr. Mark Colgazier of Colgazier Builders, Inc. on behalf of BSM, LLC  
**Received:** 8/28/2018  
**Meeting:** 9/19/2018

**INTRODUCTION TO THE APPLICATION**

Historic District: Old Dauphin Way  
Classification: Non-contributing  
Zoning: B-2  
Project: Demolish a non-contributing building.

**BUILDING HISTORY**

According to previous records, this building was constructed in the latter half of the 20<sup>th</sup> century.

**STANDARD OF REVIEW**

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

**STAFF REPORT**

- A. This property last appeared before the Architectural Review Board on August 27, 2007 according to the MHDC vertical files. At that time the Board denied an application to install pipe railings on the property. However, the Board and applicant agreed to the installation of bollards at the front of the building. The proposed scope of work includes demolition of the non-contributing building.
- B. The Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part: 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 in the latter half of the 20<sup>th</sup> century. This building is listed as a non-contributing structure in the Old Dauphin Way District. It holds neither architectural merit nor historical significance.
    - ii. 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 building adds to the built density of the Old Dauphin Way Historic District and Springhill Avenue, it does not contribute to either the architectural or historical character of neighborhood or streetscape.
  - 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. This building is not an example of a particular style and does contribute to the historic aesthetic of the neighborhood or street.
  - 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 building would be demolished, and debris would be removed.
  - 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 1970.
  - vii. The number and types of adaptive uses of the property considered by the owner;
    1. N.A.
  - viii. Whether the property has been listed for sale, prices asked and offers received, if any;
    1. The property has been for sale since January of 2013 with an asking price of \$250,000.
  - 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.
  - xii. 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 building.
2. Remove debris.

## **STAFF ANALYSIS**

This application concerns the demolition of an building which is listed as a non-contributing building in the Old Dauphin Way National Register Historic District. 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.

The building at 1551 Springhill Avenue is a non-contributing building located within the Old Dauphin Way Historic District. The building is not an example of any notable architectural typology or style.

This brick building which formerly housed a radio station is currently in a deteriorated state. Some of the buildings components are in repairable condition. However, there are issues with mold and the site.

While building contributes to the built density and rhythmic sequencing of the landscape, it does not lend to historic character or physical experience of Springhill Avenue. Located on corner lot, the building is viewed from both Catherine Street and .Springhill Avenue.

If granted demolition approval, the building would be demolished and debris would be removed so that the lot could be sold.

## **STAFF RECOMMENDATION**

Based on B(1-iii) and B(1-x), Staff does believe the application will impair either the architectural or the historical character of the property or district. Staff recommends holding over the application until redevelopment plans are presented, or denial.

## **PUBLIC TESTIMONY**

Mr. Mark Colglazier and Mr. B.J. Lyon, owner's representatives, were present to discuss the application. Ms. Lague noted more information has come before the ARB since the staff report was written including detailed submission on the efforts of the realtor to sell and redevelop the property, and the cost of rehabilitation. Due to the new information, staff recommended approval of the application due the property's non-contributing status, owners attempt to sell the property for 6 years for a reasonable price staff recommends the application.

## **BOARD DISCUSSION**

The Board discussion took place concurrently with the public testimony.

Mr. Oswalt welcomed Mr. Colglazier and Mr. Lyon and asked if they had any concerns, questions, or comments. Mr. Mr. Lyon explained the property has been owned by the Bittman family for years. He noted Mr. Bittman ran the WABB radio station for 50 years. Mr. Lyon explained there had been several interested parties in the building and site, but the building's function had become obsolete and it was a superfund site due to its location adjacent to a cleaners and previous gas station on the site. He further explained the purchase price of the building and property started at \$400,000 and has been lowered several times now to about \$200,000. He stated the rehabilitation cost of the building and site would cost more than the market price of the property.

Mr. Oswalt asked what the plans wee for the site. Mr. Colglazier responded the concrete parking pad

would remain, but the footprint of the building would be sodded. He noted the west wall has structural issues and the neighboring property owner is concerned it will fail.

Mr. Stone commented he understood it would cost more to rehabilitate any that any new construction would be under the purview of the ARB. He asked the Board if a deteriorated building was worse than a concrete and grass lot. Mr. Allen referred to a demolition application approved years ago on Elmira Street where the plans approved were to re-sod, but the owner did not.

Mr. Roberts noted the deteriorated state of the non-contributing building does not contribute to the streetscape other than density.

Mr. Ruzic commented concern for redevelopment plans, but noted it would be difficult to sell the property with the building on site.

No further discussion from the Board ensued.

Mr. Oswalt opened the application to public comment. With no one to speak either for or against the application, Mr. Oswalt closed the period of public comment.

#### **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.

The motion received a second and was unanimously approved.

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

Mr. Ruzic moved that, based upon the facts as approved by the Board, the application does not impair the historic integrity of the building or the district and that the application be approved with the understanding the seller will make the buyer aware of the ARB approval process and the ground will be sodded.

The motion received a second and was approved with one opposed, Steve Stone.