



Agenda Item #3

Application 2024-48-CA

DETAILS

Location:

456 Chatham Street

Summary of Request:

After-the-fact approval for exterior repairs and alterations

Applicant (as applicable):

Eddie Clemons

Property Owner:

Bynum Properties, LLC.

Historic District:

Oakleigh Garden

Classification:

Contributing

Summary of Analysis:

- Staff was originally alerted to inappropriate work at the property in 2022. Multiple attempts to contact the owner and issue a Notice of Violation were unsuccessful.
- Historic windows which had previously received a COA for repair were removed and discarded.
- Replacement windows are of an unapproved material and do not fit the existing window openings.
- Work appears unfinished.
- The applicant states that a local contractor was hired and he was unaware that proper permits were not obtained.

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PROPERTY AND APPLICATION HISTORY

Oakleigh Garden Historic District was initially listed in the National Register in 1972 under Criteria A (historic significance) and C (architectural significance) for its local significance in the areas of architecture, landscape architecture, and planning and development. The district is significant for its high concentration of 19th- and 20th-century architectural types and styles and significant in the area of landscape architecture for its canopies of live oaks planted from 1850 to 1910. The district is significant in the area of planning and development as the location of Washington Square, one of only two antebellum public parks remaining in Mobile. The district was expanded in 1984, and an updated nomination was approved in 2016.

The one-story frame Victorian house at 456 Chatham Street was constructed by Charles Griffin, a carpenter, in 1894. The dwelling includes a gabled ell projection on its south end. Both main block and wing feature a recessed porch with turned posts and brackets. Historic Development records show that in 1996, the structure had fallen into disrepair, as the property was placed on an Endangered Properties list. In 2018, Porchlight, Inc. had acquired the property and planned to rehabilitate the historic building. Plans were approved by the Architectural Review Board (ARB) for the exterior portion of this project. The property was then sold to Bynum Properties, LLC., with the provision that proper rehabilitation would be completed.

According to Historic Development files, this property has appeared once before the Architectural Review Board, when in 2018 a Certificate of Appropriateness was issued for repairs to the residence and the construction of a wooden deck on the rear elevation. This work was not completed.

SCOPE OF WORK

1. Replaced rotten and damaged siding in-kind where needed.
2. Replaced original windows.
 - a. Replacement windows are six-over-six simulated divided light vinyl windows. The six-over-six configuration has been achieved with interior applied muntins.
 - b. The proposed replacement windows do not fit the opening. Wood infill trim has been applied to accommodate the new window dimensions.
3. Repaired front porch and replaced existing concrete steps with wood steps.
4. Replaced primary door.
5. Reroofed in-kind with shingles.
6. Repainted exterior.
7. Installed a cement driveway on the north end of the of the lot. The driveway runs from the existing curb cut past the north elevation of the house to the rear of the lot.

APPLICABLE STANDARDS (*Design Review Guidelines for Mobile's Historic Districts*)

1. **5.4** Preserve original building materials.
 - Repair deteriorated building materials by patching, piecing-in, consolidating or otherwise reinforcing the material.
 - Remove only those materials which are deteriorated, and beyond reasonable repair.
 - Do not remove original materials that are in good condition.
2. **5.6** Use original materials to replace damaged materials on primary surfaces where possible.
 - Use original materials to replace damaged building materials on a primary façade if possible. If the original material is wood clapboard, for example, then the replacement material should be a material that matches the original in finish, size and the amount of exposed lap. If the original material is not available from the site, use a replacement material that is visually comparable with the original material.

- Replace only the amount of material required. If a few boards are damaged beyond repair, for example, then only they should be replaced, rather than the entire wall.
 - Do not replace building materials on the primary façade, such as wood siding and masonry, with alternative or imitation materials unless it cannot be avoided.
 - Wholesale replacement of exterior finishes is generally not allowed.
3. **5.15** Repair or replace a damaged historic door to maintain its general historic appearance.
- Replacements should reflect the age and style of the building.
 - Use materials that are visually comparable to that of the original.
 - Do not use solid core or flush doors.

ACCEPTABLE DOOR MATERIALS Materials that are the same as the original, or that appear similar in texture and finish to the original are acceptable.

These often include:

- » Wood panel
- » Wood panel with glass lights
- » Leaded glass with lead comes
- » Metal with a painted finish
- » Other materials original to the building

UNACCEPTABLE DOOR MATERIALS Materials that do not appear similar to the original in texture and finish are unacceptable.

These often include:

- » Unfinished Metal
- » Fiberglass or synthetic
- » Wood flush doors

4. **5.17** Preserve historic stylistic and architectural details and ornamentation.

- Preserve storefronts, cornices, turned columns, brackets, exposed rafter tails, jigsaw ornaments and other key architectural features that are in good condition.
- Retain historic details and ornamentation intact.
- Retain and treat exterior stylistic features and examples of skilled craftsmanship with sensitivity.
- Repair historic details and ornamentation that are deteriorated.
- Employ preventive maintenance measures such as rust removal, caulking and repainting.
- Minimize damage to historic architectural details when repairs are necessary.
- Document the location of a historic feature that must be removed and repaired so it may be repositioned accurately.
- Patch, piece-in, splice, consolidate or otherwise upgrade deteriorated features using recognized preservation methods.
- Stabilize or fix isolated areas of damage using consolidants. Epoxies and resins may be considered for wood repair. » Protect significant features that are adjacent to the area being worked on.

5. **5.19** Where repair is impossible, replace details and ornamentation accurately.

- When replacing historic details, match the original in profile, dimension, and material.
- A substitute material may be considered if it appears similar in character and finish to the original.
- A measured drawing may be required in these instances to recreate missing historic details from photographs.
- Do not apply architectural details that were not part of the original structure. For example, decorative mill work should not be added to a building if it was not an original feature. Doing so would convey a false history.

6. **5.20** Preserve the functional historic and decorative features of a historic window.

- 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.
- Preserve historic window features, including the frame, sash, muntins, mullions, glazing, sills, heads, jambs, moldings, operation, and groupings of windows.
- Repair, rather than replace, frames and sashes, wherever possible.

- For repair of window components, epoxies and related products may serve as effective solutions to material deterioration and operational malfunction.
7. **5.21** When historic windows are not in a repairable condition, match the replacement window design to the original.
 - 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.
 - Use any salvageable window components on a primary elevation.
 8. **5.22** When a historic window is missing on a key character-defining wall, use a historically accurate replacement.
 - Historically accurate light patterns shall be employed. Use photographic, physical, and/or documentary evidence for the design.
 - A new window shall be installed in such a manner as to fit within the original window opening and match in depth and filling of the reveal. A reveal is the part of the side of a window opening that is between the outer surface of the wall and the window.
 - A double-paned or clad wood window may be considered as a replacement alternative only if the replacement matches the configuration, dimensions, and profiles of original windows.
 - For increased efficiency, storm windows can be installed. A storm window shall fit within the window reveal and avoid damaging window casings. Operable storm windows are encouraged.

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

UNACCEPTABLE WINDOW MATERIALS Materials that do not appear similar to the original in texture, profile and finish are unacceptable.

These often include:

- » Vinyl
- » Mill-finished aluminum
- » Interior snap-in muntins (except when used in concert with exterior muntins and intervening dividers)

9. **6.4** Preserve an original porch or gallery on a house.
 - Maintain the height and pitch of a porch roof.
 - Do not enclose a front porch if feasible.
 - If a porch is to be screened, do so in a manner that preserves the existing porch elements and does not damage them.
 - Where a rear or side porch is enclosed, preserve the original configuration of columns, handrails and other important architectural features.
10. **6.5** Repair a porch in a way that maintains the original character.
11. **10.7** Minimize the visual impact of parking.
 - Locate a parking area at the rear or to the side of a site whenever possible.
 - Use landscaping to screen a parking area.
 - Minimize the widths of a paved area or a curb cut.
 - If a curb cut is no longer in use, repair the curb. In some areas, granite curbs may be required.
 - Do not use paving in the front yard for a parking area. Paving stones might be acceptable in certain instances.
 - Do not create a new driveway or garage that opens onto a primary street.

ACCEPTABLE WALK AND PAVING MATERIALS Materials that have a similar character, durability and level of detail to walks and paved areas associated with historic properties in the district are acceptable.

These often include:

- » Gravel or crushed stone
- » Shell
- » Brick
- » Cobblestone
- » Grasspave or grasscrete (mix of grass and hard surface paving material that provides a solid surface)

STAFF ANALYSIS

456 Chatham Street is a contributing structure to the Oakleigh Garden Historic District. The application under review seeks after-the-fact approval of exterior work undertaken at the property.

In September 2018, under the ownership of Porchlight, LLC, a COA that included the following approved scope of work was issued for repairs at 456 Chatham Street:

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.*

The property was then sold to Bynum Property Holdings, LLC in 2019, prior to the above work being carried out. The deed of this transaction stipulated the following title exceptions:

6. *Grantee shall have twelve (12) months from the date hereof to complete the following improvements to the Property:*
 - *Any opening or gaps in the wall, siding, or roof to be property sealed and approved by the City of Mobile Preservation Office.*
 - *Mothballing measures must be removed.*
 - *Existing windows to be restored. Windows not present must be installed properly in coordination with the City of Mobile Preservation Office.*
 - *Rotten siding present on the exterior of the structure to be replaced and painted.*
 - *Peeling paint on exterior of the structure to be scraped and repainted. Foundation to be stabilized as needed.*
 - *All mechanical, electrical and plumbing systems to be in working order and warranted by owner.*
 - *The structure must include a functioning bathroom to include toilet, sink, and shower and/or bathtub.*
 - *The structure must include a functioning kitchen to include sink, stove and refrigerator.*
 - *Appliances to be in working order and warranted by owner.*

If Grantee has not completed the above improvements within twelve (12) months from the date hereof. Grantor shall, in Grantor's complete discretion, either (a) allow' Grantee an extension of time to complete said improvements or (b) demand that the Property revert back to Grantor. at which time Grantee shall deliver possession of the Property and a warranty deed with clear title thereto to Grantor. in exchange for the price paid by Grantee at the closing hereof, less any c losing costs and less any amounts necessary to pay off any liens placed on the Property by Grantee. In no event shall Grantor be required to reimburse Grantee for partial improvements made to the Property.

In 2022, Staff was alerted to unpermitted and inappropriate work being carried out at the 456 Chatham Street. A site visit revealed that historic windows and doors had been removed and replaced inappropriately. Staff contacted the applicant and provided instructions for submitting an after-the-fact COA application. Since no reply was received and no COA application was submitted, Staff then made multiple attempts to serve a Notice of Violation via certified mail to the property owner, Mr. Brandon Bynum, throughout 2023 with no success or reply. Staff was eventually able to make contact again with owner representative Mr. Clemons in 2024, after a permit application for 456 Chatham Street was received in the city's permitting office. At this time, Mr. Clemons submitted a COA application to the Historic Development office. Staff made another visit to the property, during which time they observed completed work which does not comply with the *Design Review Guidelines* nor with the condition in the deed regarding the windows.

Observable inappropriate work includes the following:

The *Guidelines* state that replacement doors should reflect the age and style of the building. The new primary door installed on the façade is not suited to the style of the dwelling. The replacement doors on the side projection and the rear elevation are not wood , which was the listed door material in the approved scope of work. (5.15) The *Guidelines* direct to preserve architectural details and ornamentation such as turned columns and brackets, and to replace such details accurately. In specific regard to porches, the *Guidelines* state that a porch should be repaired in a way that retains its original character. Photos and site visits revealed that a turned post was removed from the front porch and has not been replaced. Additionally, the existing concrete steps were removed and replaced with raw wood steps and handrail of a design which is not compatible with the front porch's historic character. (5.17, 5.19, 6.5)

The *Guidelines* stipulate that historic windows should be repaired rather than replaced, wherever possible; that they should be repaired to match existing per location, light configuration, detail and material; and that all features should be preserved. When repair is not possible, a replacement window should be matched to the original in framing and light configuration, and should fit within the original opening and match the depth and profile of the reveal. The *Guidelines* further list vinyl as an unacceptable material for replacement windows. (5.21-5.22) According to available records and photographs, the windows which were replaced on the dwelling were a combination of historic and original. A survey photograph dated 1989 show twelve-over-twelve windows on the façade. This configuration seems unlikely for a house with a construction date of c. 1894; however, these windows were assuredly historic. The remaining windows had a six-over-six light configuration. Photographs further reveal that these windows were still extant when the property was sold in 2019. Photos taken during the Staff visit in 2022 show historic windows and doors discarded on the property. Although there was no window survey completed to document the condition of the historic windows, the scope of work from the 2018 issued COA details the repair of existing windows, with no mention of replacement. This implies that the windows were not beyond reparable condition. The installed replacement windows are a vinyl six-over-six sash, which does not fit the existing window openings. Wood trim infill has been installed to fill the openings. However, this has been done in an inconsistent manner across the elevations and has not been finished, with some of the trim remaining unpainted.

In addition to not adhering to the permitting procedures put in place by the City of Mobile, the applicant has not abided by the conditions of the development agreement entered into with Porchlight, LLC., most specifically in relation to coordinating window restoration with the Historic Development office (the city's Preservation Office).

Moreover, no effort was made to restore the historic windows as detailed in the agreement. On the whole, the work at the property appears unfinished and has the look of unprofessional execution.

ARCHITECTURAL REVIEW BOARD VICINITY MAP



APPLICATION NUMBER 3 DATE 9/18/2024
 APPLICANT Bynum Properties on behalf of Eddie Clemons
 PROJECT Replace all windows with vinyl types; replace front and back doors; replace front steps; install driveway



Site Photos - 456 Chatham Street



1. View of dwelling, looking NW



2. View of façade, looking W



3. View of façade and north elevation, looking SW



4. Detail of window on north elevation



5. Detail of window on north elevation



6. View of rear elevation, looking SE

Site Photos - 456 Chatham Street



7. Detail of rear elevation



8. Detail of porch steps