

# Historic Preservation Commission of Decatur, Alabama

Agenda February 10, 2022 4:00 pm

## Approval of December January 13<sup>th</sup> Minutes

### Expedited COA approvals since January 6, 2022:

614 Gordon Drive SE (Boyett) new roof (#48 for the CoA)

423 Walnut Street NE (Cartron) replace in-kind rotting porch roof, supports, balustrade (#9 and #48 for the CoA)

614 Gordon Drive SE (Boyett) replace in-kind rotting second story balustrade (#9 for the CoA)

### CoA #1: 210 Walnut Street NE (Cole)

**Background:** This one story Folk Victorian was built circa 1887 and is a contributing structure within the Bank Street/Old Decatur NR district. It is one of the oldest buildings within the district. The front detailing appear to be an early 20<sup>th</sup> century remodel. House has been vacant recently, and property has not been kept up to code. Mr. Cole purchased the property late summer, it currently has been flagged by Community Development for property maintenance violations.

**Action Requested:** Mr. Cole purchased the property from the Long family in late summer/early fall. Staff was asked by members of the Long family in July of 2021 about possible demolition. Staff has put Mr. Cole in touch with a possible purchaser for the building (one with an interest in finding a substantial project to rehabilitate within the district) but at the time of the agenda it is not known if the potential buyer feels the project is viable. We expect an update by the time of the commission meeting.

**Decatur's Design Review Standards:** 17: Demolition and Relocation 1. Not Recommended. Demolition of contributing buildings and outbuildings is inappropriate unless warranted by structural conditions, economic hardship (as defined by city ordinance, see below) or where the public safety is endangered.

Economic hardship is where the cost of rehabilitating a building would equal or exceed the market value of the building. It does not address the finances of the owner, it addresses the economic feasibility of the rehabilitation work for a building that is under duress and needs significant investment. The city has a distinct ordinance (Section 18 – 25) that addresses the requirements to file for Economic Hardship, it is:

(a) Each application for removal or demolition shall be considered, taking into account economic hardship. The commission may solicit expert testimony or require that, at the

expense of the applicant, submissions be made concerning any or all of the following information before it makes a determination on the application:

(1) Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a certificate of appropriateness.

(2) A report from licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

(3) Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alteration, demolition, or removal; after any changes recommended by the commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

(4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(b) The commission shall review all of the evidence and information required from applicant and make a determination within thirty (30) days of receipt of application whether the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. Reasonable return shall be considered an annual return of a minimum of six (6) percent of the value of the property. This percentage has been established as a reasonable rate of return on properties where economic hardship has been litigated before the United States Supreme Court. The commission may extend the review process an additional thirty (30) days if so desired. Written notice of the determination shall be provided to the owner and the owner shall have the right of appeal to the city council within fifteen (15) days from date of written notification. If the city council denies the certificate of appropriateness, the applicant shall have the right to appeal to circuit court within fifteen (15) days of the date of denial. (Ord. No. 90-2882A, § 8, 2-5-90)

**Staff Findings:** Applicant has submitted numerous photos and information requested in the ordinance under items a3 and a4 as listed above.

Staff discussed the possibility of Mr. Cole selling the property to a buyer interested in rehabilitation, and that option was being explored at the time of the staff report, but it is not known if it is viable. Staff hopes to have an update at the HPC meeting.

**CoA #2: 421 6<sup>th</sup> Avenue SE (Dupper) Front Steps**

**Background:** The commission and staff have been working with Mr. Dupper on this property since he purchased it in 2021. House is a Queen Anne Victorian and is a contributing building in the Albany District.

**Action Requested:** New brick front steps to replace the damaged and cracked concrete steps. The commission approved a new brick sidewalk to replace the damaged concrete sidewalk in a prior CoA.

**Decatur's Design Review Standards:** *3. Porches 10. Stairs. Existing historic porch stairs and railing should be retained and repaired as needed. Where porch stairs or railings are later additions or are missing altogether new elements should be based on documentation of historic conditions. Typically, wood stairs are appropriate for the porches of wood frame residences and brick stairs are appropriate for the porches of brick residences. Where new brick stairs are proposed, they should match the color and texture of the adjacent foundation. Modern pre-cast concrete stairs are not appropriate on primary elevations.*

**Staff Findings:** The extant concrete stairs are not original to this house. The house likely had wood steps originally. The commission has allowed replacement brick stairs in the past, particularly if the foundation is brick. (This foundation is brick, but is painted.) The applicant has requested to use brick that matches the brick used for his sidewalk, making the two architectural details flow.

Please note that the application shows a rounded front brick. Mr. Dupper was unaware that rounded front bricks were not appropriate for front steps with his style of house. He has agreed to amend the application to use standard straight bricks on the steps.

### **CoA #3: 421 6<sup>th</sup> Avenue SE (Dupper) Exterior Electrical Conduit**

**Background:** The commission and staff have been working with Mr. Dupper on this property since he purchased it in 2021. House is a Queen Anne Victorian and is a contributing building in the Albany District.

**Action Requested:** House currently does not have hot water. Mr. Dupper would like to connect a hot water heater on the second floor to power in the basement. He feels the most feasible and safest solution is to run a 1" conduit on the outside rear wall of the house.

**Decatur's Design Review Standards:** *15. Utilities and Accessory Structures. HVAC Units "... exterior conduits and ductwork should typically be placed away from principal elevations."*

**Staff Findings:** It is not unusual for conduits to be used in historic remodels where pulling electrical through the interior wall isn't viable. The HPC doesn't have specific standards for regular gage electrical wire, but the section of the standards for utilities seems sufficient for this

request, assuming that the building department code allows this method of installation. The conduit will be located on the rear of the house.

**Background: CoA #4: 421 6<sup>th</sup> Avenue SE (Dupper) Exterior Retaining Wall**

The commission and staff have been working with Mr. Dupper on this property since he purchased it in 2021. House is a Queen Anne Victorian and is a contributing building in the Albany District.

Mr. Dupper requested to repair the retaining walls in a way that was not in keeping with the historic design a few months ago and the commission asked him to go meet with a stone mason to determine the correct methodology.

**Action Requested:** The tops of the stone retaining wall have cracked and shifted. Mr. Dupper proposes straightening them (presumably by moving their location slightly) and then pouring a 2" layer of concrete on top of the walls, with expansion joints every 4'.

**Decatur's Design Review Standards:** Historic retaining walls are rare within the district, the standards do not have anything that specifically addresses them. In cases where the standards don't provide specific guidance, the commission has historically referred back to the Secretary of the Interior's Standards. *Standard #2 states: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. Standard #5 states: Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved. Standard #6 states: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible materials.*

The property boundary has a historic stone retaining wall that is low and surrounds two sides of the property. The portion on 6<sup>th</sup> Avenue is of different construction and materials dimensions, likely because the wall is newer and was built after 6<sup>th</sup> Avenue expanded. The proposed work does not appear to meet the standards the commission has historically referred to in the past.

**CoA #5: 421 6<sup>th</sup> Avenue SE (Dupper) Temporary Back Yard Shed**

**Background:** The commission and staff have been working with Mr. Dupper on this property since he purchased it in 2021. House is a Queen Anne Victorian and is a contributing building in the Albany District.

**Action Requested:** Applicant would like to install a temporary back yard shed accessed from Sherman Street, and pushed up against the rear of the house.

**Decatur's Design Review Standards:** 14. *Outbuildings and Ancillary Buildings 3. New Construction. New outbuildings should be simple in design to complement and blend with the*

*main residence. Outbuildings constructed within street vantages should generally meet the guidelines for new construction or additions.*

**Staff Findings:** Mr. Dupper has spoken numerous times with the commission about a temporary shed for tool storage, but hasn't submitted a complete application until now. The shed design has changed several times. The original submittal was house like in appearance with a large door that could only be accessed from the neighbors' property. Staff worked with the applicant to find a simpler design. All previous discussions of the shed had the shed location in the rear yard, located just off the alley. The location has moved to behind the house, accessible and visible from Sherman, and pushed right up against the house. The commission might want to revisit discussion of the shed going north and west of the house, near the alley.

The commission doesn't have standards for "temporary" structures nor could staff find any prior rulings addressing temporary construction. In the past the commission has simply directed applicants to use temporary storage like the Pod units.

#### **CoA #6: 627 Johnston Street SE (Haynes)**

**Background:** This circa 1908 house is a vernacular folk structure that is a contributing building in the Albany District.

**Action Requested:** Applicant has a vintage concrete ribbon driveway that is failing. He would like to replace it with a larger ribbon driveway of brick instead of concrete. So this application is asking for both a material change and a dimension change. Current dimensions of ribbon driveway are 24" concrete ribbons separated by a 32" wide grassy strip. Applicant proposes changing those proportions to 42" wide ribbons separated by a narrow 14" grassy strip.

**Decatur's Design Review Standards:** *The commission's standards for driveways are limited because they were not often proposed nor needed repair when the standards were last revised. In cases where the standards don't provide specific guidance, the commission has historically referred back to the Secretary of the Interior's Standards. Standard #6 states: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible materials.*

**Staff Findings:** The commission has historically ruled that existing and new driveways be the same exposed aggregate used on the historic sidewalks. Staff could find no evidence of brick being approved for a driveway in prior rulings.

Current ribbon driveway size is a 32" grassy strip with a 24" concrete ribbon on each side. Most ribbon driveways have a 36" wide grassy strip, allowing for the concrete ribbons to be more fully located under the car and to the outside edges where automobile riders step when entering and leaving the buildings. The concrete ribbon width has varied between 2 and 3'.

The applicant has proposed a 14" grassy strip which is considerably smaller than standard, and has proposed significantly wider paved areas, 42" on each side. Staff suggests a ruling on materials and width that is in keeping with both commission and historic precedents.

### **CoA #7: 217 Church Street NE (Dickey & Sharp) Fence**

**Background:** House is a contributing Folk Victorian in the Old Decatur District. Staff received calls of significant front porch work occurring at this address in March of 2021. Staff arrived on site and the majority of the front porch had been removed, most of the porch supports were replaced with a different design, and the front porch pieces were in a trailer for hauling away. A stop work order was issued on March 16<sup>th</sup>, and Mr. Dickey came to city hall to discuss the project but claimed that the work was finished and there was nothing he could do. Letters were mailed to the owners and to Mr. Dickey in June, August, and September. A second stop work order was issued on October 11<sup>th</sup> when calls came in regarding a non-complaint fence in the back yard. Mr. Dickey did not contact the city at any point after the letters were mailed until a court summons was issued January 5<sup>th</sup> and Mr. Dickey reached out to staff shortly after that date to see what was needed to bring the project into compliance.

After talking with Mr. Dickey staff suggested 3 different retroactive CoAs. The first for the rear fence, the second for the porch flooring, and the third for the porch supports.

**Action Requested:** Mr. Dickey's block does not have alley access, the property butts directly up against the neighbors in the rear. Mr. Dickey has constructed a 6' tall wood fence approximately 22' long, fence is partially supported by a horizontal platform, approximately 3-4' wide making the structure similar to a gazebo. He would like the structure retroactively approved.

**Decatur's Design Review Standards:** This item appears to be partially a fence and partially a garden structure. Design standards for both are below.

*11. Landscaping 7. Garden Structures. Garden structures such as gazebos, retaining walls, trellises, and other such structures should be located so as to not be readily visible from public vantages ...*

*12. Fencing Within the districts cast iron and wooden picket fences are typically found along principal street vantages. Brick, chain-link, wooden plank and other wood fences are generally located at secondary street vantages. 1. Height. Fences at principal street vantages should be no higher than three feet. Fences on readily visible secondary vantages should be no higher than six feet. 3. Wood fences. The use of wooden picket fences on principal elevations is appropriate.*

**Staff Findings:** Structure is partially visible from the street. The HPC has approved horizontal wood fencing (most recently at a house on Sherman Street). Although Mr. Dickey's fence is

longer than the item previously approved, it is significantly further back on the property and only partially visible.

### **CoA #8: 217 Church Street NE (Dickey & Sharp) Porch Flooring**

**Background:** House is a contributing Folk Victorian in the Old Decatur District. Staff received calls of significant front porch work occurring at this address in March of 2021. Staff arrived on site and the majority of the front porch had been removed, most of the porch supports were replaced with a different design, and the front porch pieces were in a trailer for hauling away. A stop work order was issued on March 16<sup>th</sup>, and Mr. Dickey came to city hall to discuss the project but claimed that the work was finished and there was nothing he could do. Letters were mailed to the owners and to Mr. Dickey in June, August, and September. A second stop work order was issued on October 11<sup>th</sup> when calls came in regarding a non-complaint fence in the back yard. Mr. Dickey did not contact the city at any point after the letters were mailed until a court summons was issued January 5<sup>th</sup> and Mr. Dickey reached out to staff shortly after that date to see what was needed to bring the project into compliance.

After talking with Mr. Dickey staff suggested 3 different CoAs. The first for the rear fence, the second for the porch flooring, and the third for the porch supports.

**Action Requested:** A retroactive CoA to replace warped front porch boards with a synthetic material, Azek.

#### **Decatur's Design Review Standards:**

*3. Porches 2. Retain Historic Components. Historic porch columns, railings, or other details should be retained and repaired as needed. 3. Replace missing or deteriorated Components in Kind. Where porch columns, railings, or other details are deteriorated or missing, new components should duplicate the historic components in design and workmanship.*

**Staff Findings:** Mr. Dickey's wood front porch decking had warped from rain driving into it. He has the only remaining wood front porch on the north facing side of the block, others were long ago replaced with concrete. A number of the north facing porches on the following block were also replaced with concrete at an undetermined date. Mr. Dickey has provided photos showing the warped boards before removal. The commission has discussed the appropriateness of synthetic replacements before and agreed to allow the use of Aeratis synthetic in 2021. Aeratis was approved because it had been approved for use on the National Historic Landmark site Oak Alley, in addition to a number of major preservation commissions (New Orleans) in the country.

Azek is a different material, it has a smooth side and a faux wood textured side. Applicant installed the material with the faux wood textured side.

Staff reached out to see if other commissions felt this material was appropriate. Staff discussed Azek with preservation specialists from 10 different municipalities. 2 municipalities allowed the material, 4 would not allow it, and 4 allowed it under strict conditions.

San Antonio, Texas allows it  
Cranberry, New Jersey (which has flooding) approves Azek for porches.

Milwaukee, Wisconsin does not allow any synthetic material.  
Iowa City, Iowa requires wood  
Frederik, Maryland does not allow it for historic structures.  
Saratoga Springs, New York does not allow it.

Kalamazoo, Michigan denies synthetics on front porches allowed on rear porches. They don't feel the finished product is appropriate for the public facing facades.  
Ypsilanti, Michigan has approved Azek but only when it has the same profile and tongue and groove and the smooth side must be face up, not the faux textured side.  
Louisville, Kentucky allowed it a few times, but claimed they "have never been impressed with it... it just comes off fake...."  
Richmond, Virginia only allows synthetics if the front porch decking is too deteriorated to repair or if completely missing, and it must be painted or stained.  
Baltimore, Maryland allows it at times.

Preservation professionals also warned that dark colored bird poop will permanently acid burn/stain the synthetic and that the material can get VERY hot in the summer. There was also discussion on how the material is very slippery. Some suggested real mahogany, which is cheaper and more appropriate. Some commissions are going towards acetylated wood products like Accoya and thermally treated lumber.

Based on discussion with these staff, and the fact that the applicant's house is far enough away from the front side walk that the porch flooring is not readily visible, staff suggests allowing this install to be approved as a test study, with no other approved installs for at least 5 years (and possibly 10) to see how the material wears. Staff can periodically touch base with the applicant and see how the porch is holding up as time passes. This would allow the commission to see a long term test on the product to determine if it is viable for our community.

### **CoA #9: 217 Church Street NE (Dickey & Sharp) Porch Supports**

**Background:** House is a contributing Folk Victorian in the Old Decatur District. Staff received calls of significant front porch work occurring at this address in March of 2021. Staff arrived on site and the majority of the front porch had been removed, most of the porch supports were replaced with a different design, and the front porch pieces were in a trailer for hauling away. A stop work order was issued on March 16<sup>th</sup>, and Mr. Dickey came to city hall to discuss the project but claimed that the work was finished and there was nothing he could do. Letters



were mailed to the owners and to Mr. Dickey in June, August, and September. A second stop work order was issued on October 11<sup>th</sup> when calls came in regarding a non-complaint fence in the back yard. Mr. Dickey did not contact the city at any point after the letters were mailed until a court summons was issued January 5<sup>th</sup> and Mr. Dickey reached out to staff shortly after that date to see what was needed to bring the project into compliance.

After talking with Mr. Dickey staff suggested 3 different CoAs. The first for the rear fence, the second for the porch flooring, and the third for the porch supports.

**Action Requested:** Replace existing turned Victorian styled porch supports with simple camfered porch posts. He would also like to add back the scroll work components (staff has a physical sample) and more elaborate scroll work items as well as trim out the base of the posts.

**Decatur’s Design Review Standards:**

*3. Porches 2. Retain Historic Components. Historic porch columns, railings, or other details should be retained and repaired as needed. 3. Replace missing or deteriorated Components in Kind. Where porch columns, railings, or other details are deteriorated or missing, new components should duplicate the historic components in design and workmanship.*

**Staff Findings:** At the time of the March 2021 site visit most of the porch components were piled into a trailer for disposal. None of the porch supports photographed were in a state requiring complete replacement. Mr. Dickey has mentioned that he did not like the style of the turned porch supports, he prefers the camfered supports. The oldest photograph the city has on file for the porch is approximately 30 years old, it shows a turned post. Staff was not able to locate historic examples of camfered front porch supports in the district. The only example staff could locate was at 619 Oak Street, a house that is non-contributing in the district due to its 1985 front porch alteration.

A 1991 photo of the house shows the turned porch supports, a small piece of scroll work on each side of the support, and a front porch railing. The porch supports look similar to what Mr. Dickey removed. Staff suggests referring back to the 1991 photograph as the design standard.

**Preservation Month Planning (May)**

- Awards (rehab, people, organizations)
- Proclamation by the mayor
- Other?
- April walking tour?

**Staff Updates:**

**CoA/Compliance Updates:**

- 510 Walnut (Hereford)
- 714 Line (Orr, managed by Peterson)

## **Bank Street/Old Decatur Resurvey**

### **Federal Grant Updates:**

Public Outreach Pamphlets, reaching out to designer  
Princess HSR, contract in process  
Albany Resurvey

### **State Grant Updates:**

Girl Scout Little House, windows finished, roof replaced, painting in the spring

## **Historic Decatur Association Street Signage Project**

## **Historic Decatur Association Street Trees**

### **Tax Credits:**

Simpsons  
Approached on 3 others, two in Bank Street/Old Decatur and one just outside Albany  
Commercial in the expansion zone

## **Federal Grants for 2022/23 (being requested)**

## **NEW BUSINESS:**

Ms. Jamie Destefano of JLD Preservation Consulting, Albany Commercial Resurvey