



CITY OF BIRMINGHAM

DEPARTMENT OF PLANNING, ENGINEERING & PERMITS

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Mayor

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Director

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Deputy Director

BIRMINGHAM HISTORICAL COMMISSION MEETING MINUTES

**Wednesday, August 19, 2020
3:00 p.m.**

**Held
by teleconference**

Members Present:

Sam Frazier, Chairperson
Linda Nelson, Vice-Chairperson
Nolanda Hatcher, Secretary
Cathy Adams
David Fleming
Cherri Pitts

Staff Present:

Karla Calvert
Pamela Perry
Paige Largue

Members Absent:

Councilor William Parker (Ex-officio)
John Morgan
Catherine Browne

Chairperson Sam Frazier called the meeting to order at 4:03 p.m.

Mr. Sam Frazier asked if there were any questions, comments or clarifications that needed to be made to the minutes of the April 9, 2019 meeting or September 12, 2019 meeting. Ms. Linda Nelson explained that the minutes of April 9th should reflect that the "Brownell Tours" building was already located in a historic district. She explained the building name, "Brownell Tours" should be on the inventory and that she had reached out to the owners to get more information on the history of the building. Ms. Nelson explained she would continue to gather more information and forward information to Ms. Paige Largue. Linda Nelson made a motion to amend the April 9th meeting minutes with the note that the Brownell building was already in a historic district and to clarify the building name is "Brownell Tours" and to approve the September 12th, 2019 minutes as written. The motion was seconded by Ms. Cathy Adams. Ms. Nolanda Hatcher abstained from voting on the minutes. The minutes as amended were approved unanimously.

Topics for Review and/or Discussion:

A. Introduction to Paige Largue, Historic Preservation Manager

Mr. Sam Frazer welcomed Ms. Paige Largue, Historic Preservation Manager of the City of Birmingham. Ms. Largue commented she began her employment with the City of Birmingham in December of 2019 and was looking forward to working with the Birmingham Historical Commission. Ms. Largue explained she holds a Masters in Preservation Studies from Tulane University and was most recently employed with the City of Mobile. She noted the last two years of her employment she served as Interim Director of the Historic Preservation Department.

B. Appeal of the Design Review Decision for 4019 Glenwood Avenue

Mr. Sam Frazier introduced the appeal of the Design review Committee's partial denial of an application for the property at 4019 Glenwood Avenue for painting of brick and addition to a rail. Mr. Frazier advised that the Commission serves as an appellate board and as such the Commission may either vote to uphold the DRC decision or overturn its decision. He further explained the Commission can only overturn the Local Historic Advisory Committee's recommendation and DRC decision if they find the decision was arbitrary and capricious.

Ms. Cheri Pitts asked if the painting of the brick had been completed. Mr. Frazier stated the applicant performed the work, was contacted by inspectors, and then applied for a building permit and then made an application to the DRC. Ms. Linda Nelson asked for clarification regarding when Mr. Beville pulled a permit and completed the work. Mr. Frazier stated he had performed the scope of work on the exterior before he pulled (applied for) a permit. Ms. Largue confirmed for Mr. Frazier that the scope of work on the exterior was executed before a building permit had been obtained for that scope. Mr. Beville stated he pulled a permit for work previously. Mr. Beville further explained he met with inspectors on site before work was performed and was not informed at that time that he was in a historic area and was not under the impression he would need a permit to paint. Mr. Beville stated after work was performed he was notified by inspectors that he needed a permit to paint because he was in a historic district. Mr. Frazier asked if he had permits for other exterior work. Mr. Beville explained that when he met with inspectors initially before work began they did not notify him that the work required a permit. Mr. Beville confirmed for Ms. Nelson that he was never told his property was in a historic district. Mr. Frazier stated that apparently Mr. Beville had a permit for other work but not for the exterior work in question. Mr. Frazier further explained that Mr. Beville went to obtain a permit for painting and other exterior work after the inspectors contacted him. Ms. Nelson stated she was under the impression Mr. Beville went to DRC before exterior work was completed, but did not ask to paint the brick building. Mr. Frazier replied he had not been to DRC before the exterior work was performed. Ms. Largue confirmed for Mr. Frazier that the exterior work was performed before review of the DRC and before an exterior building permit was obtained. Mr. Beville stated that Ms. Largue and Mr. Frazier were incorrect and he had obtained a permit for other work. Mr. Beville explained an inspector contacted him to let him know he needed a permit to paint in a historic district. He further explained he was not under the impression he needed to pull a permit to paint a brick building since other brick buildings on his street are painted a similar color. Mr. Beville confirmed for Ms. Nelson again that he was not told he was in a historic district. Mr. Frazier inquired of Mr. Beville if it was correct that Mr. Beville had obtained a permit to perform other work but it did not include the exterior work. Mr. Beville replied that was incorrect and explained he had a pre-inspection before he began work on site. Ms. Nelson asked Mr. Beville to confirm if he pulled a permit for certain exterior work such as replacement of windows but did include the full scope of work in the project description of the permit. Mr. Beville stated he did not include the painting of the brick in the permit. Mr. Frazier asked Mr. Beville if he had a permit for this building. Mr. Beville

stated that he had a pre-inspection before he performed the work. Ms. Nelson asked if that pre-inspection resulted in a permit. Mr. Beville explained he was instructed by the inspectors about what he needed to pull a permit for. Mr. Frazier and Ms. Nelson asked why he was not instructed to go before DRC. Ms. Nelson noted that when you apply for a permit in a historic district you will be notified if you are in a district.

Ms. Nelson confirmed for Ms. Nolanda Hatcher the structure was an apartment complex. Ms. Nelson asked why he wanted to paint the brick exterior. Mr. Beville expressed he did find the color of the brick aesthetically pleasing and stated people do not want to live in a yellow brick building. Mr. Frazier replied painting the brick was not a matter of beauty. Ms. Nelson stated Mr. Beville painted the building without permission. Ms. Adams commented that it was unfortunate the building was now painted and expressed concern that removing the paint could damage the brick and make it look worse. Ms. Nelson replied she still believed the paint should be removed even if the brick would not be the same. Mr. Frazier stated that if the BHC did not uphold the DRC's decision on paint, then there is no need to review paint and therefore it should not be listed as a historic standard. Mr. Beville asked the Commission if there was difference in him painting this brick exterior versus a neighbor painting their brick. Mr. Frazier stated that paint was reviewed in the Forest Park area in the early 1990's when the area was locally designated as a historic district. Ms. Nelson commented that if masonry was previously painted it is okay to repaint. Mr. Beville stated that some of the houses looked to be recently painted, within the last five years. Mr. Frazier stated that he lived in the Forest Park neighborhood and from memory can think of one house that painted its brick without approval. Ms. Nelson stated paint is reviewed when part of a larger project. Mr. Frazier confirmed Ms. Nelson's statement. Mr. Frazier reminded the Commission their vote was to either uphold or overturn the DRC's decision. Mr. Frazier suggested that if Mr. Beville could prove he applied for and obtained a building permit for exterior work without DRC review that would provide proof that he was not informed previously of his location in a historic district and could apply for a rehearing. Ms. Lague stated that the property received building permits for interior work only in 2019 and an application for a building permit for exterior work was applied for after the exterior work was performed in 2020, and it was at that time in 2020 an application was made to the DRC. She explained those were the only two recent permits in the City's system.

Mr. Frazier stated that a motion would need to be made regarding the decision of the DRC. Ms. Nelson stated that she thought the denial of the railing which was added could be easily resolved by painting the railing black. Mr. Frazier stated that the BHC had to either uphold the DRC decision or overturn it. Mr. Beville asked if the BHC had seen the property in person. Ms. Nelson replied it was well photographed. Ms. Adams stated that the brick detail was nice and suggested it could be painted in a contrasting color. Mr. Frazier stated that was not up to the BHC to decide. Mr. Beville stated the detail is still visible. Mr. Frazier noted he had seen the property in person and seen the detail in photographs. Ms. Nelson stated that the brick looked like it was in good condition before it was painted and explained that sometimes people paint when it is damaged. Mr. Frazier noted the DRC has approved the painting of brick when there was fill-in brick, etc. Ms. Nelson stated based on the photographs the brick looked to be in good shape. Ms. Nelson asked if the Commission could recommend a path to move forward. Ms. Nelson began to make a motion but Mr. Frazier noted the only motion can be to either uphold the decision of the DRC or to overturn it. Ms. Nolanda Hatcher noted the applicant would need to go back through the Design Review process and meet with the LHAC and DRC to come up with a solution if the BHC upholds the decision. Mr. Frazier stated that there was only one case in which the BHC upheld a decision of the DRC and fines were issued. Ms. Nelson made a motion to uphold the decision of the Design Review Committee. Ms. Nolanda Hatcher seconded the motion. Mr. Beville asked if they could discuss the application further. Mr. Frazier explained the appeal had already been discussed at length. Mr. Frazier asked who all was in favor of the motion. The motion was approved unanimously. Mr. Frazier stated that a written notice

would be sent to the owner. Mr. Beville inquired as to why the paint and alterations were an issue, if someone else could paint, and requested further clarification. Mr. Beville stated that you did not have to pull a permit to paint or change window sashes, but would have to pull a permit to replace the whole window including the frame. The BHC replied you did have to pull a permit to change sashes. Mr. Beville insisted that changing window sashes does not require a building permit. Mrs. Calvert stated that owners are required to pull a permit to change sashes. Mr. Beville then stated that inspectors informed him that changing window sashes did not require a permit. Mr. Frazier expressed the need to discuss the disconnect with inspectors and see how the City can improve their procedures.

C. Updates on Historic Districts

1. Designation of the South East Lake area as a Local Historic District

Ms. Largue stated that historic staff had been working to document properties located between the boundaries of four existing National Register districts in the East Lake area. She explained that survey forms had been completed on a few additional properties that are proposed to be included in the East Lake local historic district. She further explained that images of the East Lake area properties had been taken to incorporate architectural examples into the preservation plan.

2. Designation of Waverly Place and Glen Iris Park as Local Historic Districts

Ms. Nelson updated the Commission on the progress of the Waverly Place National Register nomination and Glen Iris National Register nominations. She explained that the Glen Iris neighborhood has supported the nomination of the Waverly Place historic district. Ms. Nelson further explained Karla Calvert is working on a preservation plan for the Waverly Place local historic district designation. Ms. Nelson then noted that the Waverly Place nomination will be reviewed to be placed on the Alabama Register on August 27th, and that the review of the nomination at the national level will be in April 2021. Mr. Frazier inquired if the Commission was to vote on this designation during the current meeting. Ms. Nelson replied that a vote will need to occur for final approval at a later date. Ms. Nelson stated that the National Register district nomination for Glen Iris (Waverly Place) would be ready for a review and vote after the nomination is revised in a few months' time. Ms. Largue stated she would work with Ms. Nelson and get a copy for the Commission to review before a vote. Mrs. Calvert further explained that there would be another Commission meeting to review the Historic Preservation Plans for South East Lake, Glen Iris Park, and Waverly Place after staff meets with the neighborhood groups. Next, the Birmingham Historical Commission will hold a public hearing to consider recommending each district for local historic district designation. She noted that the purpose of the day's meeting was to share informational updates only. Mr. Frazier asked if the Commission should write a letter of support for the nomination to the Alabama Register. Mrs. Calvert stated that the surveys that are required for local designation had been completed and that the properties do not have to be listed on the Alabama Register to be eligible for local district status. Mrs. Calvert further explained that a survey of the properties in the district [and a determination of eligibility] was all that is required to nominate a district to be locally reviewed, and gave the example of the Norwood Local Historic District. Ms. Cheri Pitts requested to review the draft nomination for Glen Iris (Waverly Place). Ms. Nelson explained that the federal office that reviews National Register nominations has become stricter on what they require. Ms. Paige Largue stated that she will send a copy of the Waverly Place National Register nomination before the next Commission meeting.

3. Expansion/ Boundary Increase of Norwood Boulevard National Register Historic District

Mr. David Schneider gave a report regarding the status of the Certified Local Government (CLG) grant for the survey and National Register nomination of the expansion to the Norwood Boulevard Historic District. He explained the development of Norwood initially took place during the pre-automobile streetcar era and later continued to develop with picturesque winding boulevards. Mr. Schneider stated that the district nomination is up to 801 resources. He explained that since the original survey in 2008, 90 resources have been lost, especially structures along the southern blocks. Mr. Schneider stated that the nomination draft is currently being reviewed by the Alabama Historical Commission before it is sent to the National Park Service (NPS) for review. He noted that he is currently updating survey forms Ms. Pam King previously completed and composed spreadsheets with inventory descriptions.

Ms. Nelson inquired if the nomination selected Community Planning and Architecture as criteria for listing. Mr. Schneider explained that the NPS is now requiring more context for criteria. He explained that previous multi-property submissions to the NPS helped to establish the framework for nominating districts. He explained that what the NPS wants is something that a trained professional can execute, which makes it hard to list individual properties. Mr. Frazier noted that the Forest Park nomination had its properties surveyed by volunteers. Ms. Nelson reiterated that the NPS's requirements for nomination now makes preparing nominations a huge undertaking. Mr. Schneider commented that nominations are no longer simple to write. Mr. Schneider confirmed for Mr. Frazier that no action needed to be taken on the nomination today, but that it was just for information regarding the status of the grant project. He further explained that part of his contract with the City stated that he would update the Commission. Mr. Frazier asked if Carraway Hospital was located within the boundaries of the district nomination. Mr. Schneider stated that it was outside the district.

II. Adjournment

With there being no further discussion, the meeting was adjourned at approximately 4:50 p.m.