



CITY OF BIRMINGHAM

DEPARTMENT OF PLANNING, ENGINEERING & PERMITS

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Mayor

Edwin Revell
Director

Katrina Thomas
Deputy Director

Darren L. Whitt
Deputy Director

BIRMINGHAM HISTORICAL COMMISSION MEETING MINUTES

Tuesday, March 30, 2021
6:00 p.m.

Held by Teleconference and Video Conference

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Join by meeting number:

Meeting number (access code): 187 437 8051

Meeting password: mPAPUQKv732

Members Present:

Sam Frazier, Chairperson
Linda Nelson, Vice-Chairperson
Cathy Adams
Catherine Browne
David Fleming
Cherri Pitts

Members Absent:

John Morgan
Nolanda Hatcher, Secretary
Councilor William Parker (Ex-officio)

Staff Present:

Karla Calvert
Pamela Perry
Paige Lague Thomas

Public Attendees Present:

Valerie Abbott
Scott Capps
Michael Gray
Anthony Piazza
Harold Wehby
Jean White
Amy Peterson
Susan Lawrence

Cecilia Bostany
Cathy Freeman
Raymond Josef
Kevin Ware
Phillip Wehby
Edwina Williams
Crystal____
Ron King

I. Meeting Called to Order

The meeting was called to order at 6:10 p.m. Chairperson, Sam Frazier, stated that there was a quorum after roll was called by Paige Thomas.

II. Review and Approval of Letter in Support of City of Birmingham, Certified Local Government Grant Application for an Architectural and Historical Survey of the Druid Hills neighborhood

Frazier introduced the item and explained the letter expressed support for an application being submitted by the City of Birmingham. Thomas further explained the application is for a Certified Local Government (CLG) grant being administered by the Alabama Historical Commission (AHC). She stated that the application is to receive funds to hire a consultant to conduct an architectural and historical survey of the Druid Hills neighborhood. Frazier asked if there were any comments, concerns, or objections. Nelson inquired as to if this would lead to a National Register District nomination. Thomas replied that this would lay the framework for a future National Register nomination and possible Local Historic District (LHD) designation. David Fleming motioned to approve the letter as written. Cherri Pitts seconded. The motion was approved unanimously.

III. Review and Approval of BHC Minutes for February 4, 2021

Thomas notified the public of the hearing and its procedures. She explained the hearing was for the Commission to consider recommending the proposed Waverly Place LHD and Preservation Plan. Thomas requested all attendees mute their microphones when not speaking. Thomas asked the Commission to review the last meeting's minutes. Frazier asked if there were any questions, comments, or clarifications that needed to be made to the minutes of the February 4, 2021 meeting. Linda Nelson motioned to approve the minutes as written. Cathy Adams seconded. The motion was approved unanimously.

IV. Topics for Review and/or Discussion:

Public hearing to consider a recommendation to designate the Waverly Place Local Historic District and to adopt the Waverly Place Historic Preservation Plan

Frazier explained the history and purpose of locally designated historic districts in Birmingham. He cited the Forest Park National Register Historic District and Local Historic District as an example and explained the enabling legislation behind the City of Birmingham Historic Preservation Ordinance. The ordinance established the Birmingham Historical Commission (BHC) and Design Review Committee (DRC). Frazier further explained that each Local Historic District has their own set of governing guidelines approved by the neighborhood. Frazier and Thomas explained the approval process for a Local Historic District.

After some technical issues were resolved, Thomas welcomed comments from the public. Ms. Abbott inquired if any actions were required of owners in support of the district. Thomas stated that property owners could access an objection form online or at City Hall if they object to the designation of Waverly Place as a Local Historic District. She further explained forms should be filled out, notarized, and returned to City Hall within 14 days of the public hearing. Thomas also explained the recommendation would not move forward to be heard by City Council if majority of owners objected. She stated there is no action that needs to be taken immediately if an owner is in support of the designation. Frazier explained the requirements of the state statute and requirements of the City ordinance.

Harold Wehby asked if the objection form had been previously available to be filled out and sent to City Hall. Thomas explained that, previously, comment forms were sent with notice of a previous neighborhood meeting by mail. She noted several were returned and at that point the majority showed support. She then explained that owners should return a notarized objection form if they are in objection to the designation. She stated that the form could be obtained from the link found on the public hearing notice; on the 5th floor of City Hall at the Planning, Engineering and Permits office; or by contacting her, and she could send an objection form. Wehby asked why he wasn't informed of the comment form replies. Thomas stated that the comment form's purpose was to express concerns regarding the guidelines and were meant for staff and the Committee to consider. Thomas confirmed for Wehby that a formal vote by the BHC to recommend the proposed district would occur at this public hearing and that property owners would have 14 days to send an objection form. Wehby then expressed concerns over enforcement and zoning issues. Wehby explained that a neighboring house had been deteriorating since a fire occurred years ago. Thomas explained Local Historic District designation did not address zoning or enforcement issues. She further explained that designation doesn't require a property owner to bring their property up to the guideline standards. Wehby stated that he didn't see any point to designation if zoning and enforcement issues would not be addressed. Thomas commented that the three-minute discussion time limit had expired. Wehby continued to express concern over cars being parked in yards and stated he felt singled out by enforcement. Thomas thanked Wehby for his comments and asked if anyone else would like to speak. Frazier explained that many of the issues expressed were with the zoning ordinance and suggested contacting the administration or their City Councilor about those issues. Wehby stated there was no sense in contacting his City Councilor. Frazier responded that Local Historic Districts have power to address enforcement against demolition by neglect offenders. Thomas elaborated that the Local Historic District designation more or less regulates exterior appearance but does not address having cars on the property. Frazier stated that he couldn't hear Thomas, but said that there are ways to deal with things like cars in front yards. He noted that the issue of cars in the front yard was by and large outside the powers of the preservation ordinance.

Thomas addressed some questions that had been received through the chat. Thomas stated that once all objection forms had been received, staff would count the forms. She explained that there would be another notice sent to property owners if there was not a majority of objections to stop the process from moving forward. Thomas confirmed non-residential guidelines would apply to businesses, and apartments in some instances. Thomas then asked if anyone else would like to speak. Lawrence and Ware requested to speak.

Susan Lawrence, owner of 1422 10th Place South, elaborated on Wehby's concerns about a burned apartment building located adjacent to her property. She explained that the adjacent property owner had appeared in court and was ordered to address the building and its zoning. She stated that she had reached out to the City Attorney and head of demolition to inquire as to why the issue hadn't yet been addressed. Thomas replied and explained the purview a Local Historic District designation would provide. She continued by saying that while the Local Historic District would not address zoning or enforcement issues, she was going to see if she could find out any further information on that property. Thomas further explained that if a property is designated to be in a Local Historic District, the Design Review Committee reviews requests for demolitions and any new construction plans.

Kevin Ware, speaking on behalf of his mother, Edwina Williams, issued a statement objecting to the designation of Waverly Place as a Local Historic District. Ware expressed concerns that the designation is discriminatory, burdensome, and costly without benefit. He further expressed concern over the public notice process. Ware explained that his mother would like to make

improvements to her property without the additional oversight of the Local Historic District designation. Lastly, Ware requested that the proposed district boundary include the entirety of the Glen Iris neighborhood. Frazier thanked Ware for his comments, noted that they would be included in the record, and encouraged him to send in a notarized objection form within 14 days. Ware noted that an objection form had been submitted to the City.

Thomas and Frazier asked if anyone had any other concerns, questions, or comments. Thomas briefly explained what a zoning or enforcement issue would be, and how the Local Historic District (LHD) designation would affect what can be altered on the exterior of a building and property.

After fixing some technical issues, Anthony Piazza stated that several property owners had contacted him regarding the procedures of the Design Review Committee and the appeals process. He inquired as to the name of the proposed district, and questioned if George Ward Park could be listed on the National Register or listed as a local landmark. Piazza explained Frederick Law Olmsted influenced the park design. Frazier explained appeals of a DRC decision can be made to the BHC, and after that a complaint can be made to Circuit Court. Frazier noted fees incurred are incumbent upon the owner even if the owner is successful in an appeal. Frazier then stated that no one was opposed to including the park into the Local Historic District. Nelson noted the history of Waverly Place. She explained that the name was based on popular Scott Waverly novels at the time. She further explained that two men platted Waverly Place at the same time as Glen Iris Park.

Ron King inquired as to who brought a potential designation to the attention of the BHC. Nelson explained that the Glen Iris Neighborhood Association (GINA) expressed interest in the area being locally designated. King asked for further information behind the drive to potentially designate the area as a Local Historic District. Lawrence elaborated by stating that the intent is to protect the character of the neighborhood, specifically single-family homes, and to discourage unsympathetic building construction and demolition. Nelson further explained the area's historic resources are mostly intact and the neighborhood has an interesting history with minimal change due to growth and out of town owners. She stated no owner is forced to adhere to the guidelines unless they make alterations. Nelson also commented that designation has never lowered property values. Nelson stated that several property owners pushed for local historic designation. Frazier commented that Local Historic District designation works to maintain character and property values.

Thomas stated that there are 119 structural resources in the district boundary. She asked Nelson to elaborate on how the boundary line was drawn up for the proposed district. Nelson explained the process of determining a historic district boundary. She noted that the district must be mostly intact, and that the proposed boundary is a little larger than the original plat of Waverly Place.

Thomas asked if King had any other questions. Piazza commented for the record that he was in favor of designation, but expressed concern over the City's lack of enforcement. King asked if noise would be addressed in the proposed district guidelines and stated the need for some additional traffic signs. He then asked if there were any financial incentives for the rehabilitation of properties located in historic districts. Frazier explained that there are some limited financial incentives and that noise and signs were not under the purview of the LHD. He stated that, previously, there were funds in Commercial Revitalization Districts (CRD). Nelson also stated that rental properties or income producing properties have numerous incentives available. Piazza thanked Frazier and Nelson. Thomas noted that Cecilia Bostany may have a concern or question and requested that she speak if she would like. Frazier and Nelson asked if Bostany had any questions. Calvert stated that

there is currently a 25% state historic rehabilitation tax credit program through the Alabama Historical Commission for owner-occupied residences listed as contributing in a historic district. Nelson noted the program may be expiring soon. Calvert stated that, hopefully, it would be reauthorized.

Frazier asked if there were any other concerns, questions, or comments. Amy Peterson noted that the process for the public hearing and process leading up to the public hearing had been explained clearly. She inquired as to how owners are notified. Thomas explained that property owners of record are sent a notice in the regular mail as required by the ordinance. She further explained that a mailed notice was sent for a previous neighborhood meeting in November regarding information about Local Historic Districts. Thomas stated that all public hearings are posted in City Hall and on the City's website. Thomas noted that the owner of record list was updated before the current meeting notice was sent. Frazier confirmed that the notification method was legal. Calvert noted that the addresses are collected from the Jefferson County Tax Assessor's office records.

Frazier asked if there were any questions, comments, or concerns. Calvert noted a vote would need to be taken similarly to the previous designation process for Norwood. Without further discussion, Nelson motioned to recommend the Local Historic District designation and Preservation Plan of Waverly Place to City Council. Adams seconded.

Calvert explained the next steps in the process if the motion passed.

The motion passed unanimously.

V. Adjournment

With there being no further discussion, the meeting was adjourned at approximately 7:31 P.M.