

# **A G E N D A**

## **Architectural Review Board**

**December 20, 2023 – 5:30 p.m.**

**Council Auditorium, City Hall**

**103 North Perry Street**

### **ARCHITECTURAL REVIEW BOARD MEMBERS**

Ms. Elizabeth Brown, Chairman

Ms. Katie Williams, Vice-Chairman

Ms. Kahlia Bell

Mr. Cedric Campbell

Mr. Jon Hayden

Mr. Jake Johnson

Ms. Hillary Morgan

Mr. Barry G. Robinson

Mr. Sam Youse

LAND USE DIVISION

Warren Adams

Executive Secretary

- I. Approval of the Actions from the November 28, 2023, meeting**
- II. Administrative Actions**
- III. Full Review Items**

<b><u>Item</u></b>	<b><u>Petitioner</u></b>	<b><u>Historic District</u></b>	<b><u>Location</u></b>
1.	Joanna Mortara	Capitol Heights— Madison	1637 Madison Avenue
2.	Barry Cobb	Garden District	1524 Gilmer Avenue
3.	Lauvone Turner	Capitol Heights— St. Charles	121 N. Capitol Parkway
4.	Erik Torres & Norma Garcia	Cloverdale Idlewild	3311 Wellington Road
5.	Caroline A. Breashears	Garden District	398 Winthrop Court
6.	Hilda Dent	Garden District	1019 S. Lawrence Street

**The next meeting of the Architectural Review Board will be on  
Tuesday, January 23, 2024, at 5:30 p.m.**

## II. Administrative Actions

Date	Address	District	Request/Violation	Action
11/14/2023	3135 Lexington Rd.	Cloverdale-Idlewild	Paint on previously unpainted brick	S/w owner, who says he'll get the paint removed
11/14/2023	3028 Montezuma Rd.	Cloverdale-Idlewild	Vacant residence, overgrown lot--demo by neglect	S/w attorney for owner, she says landscaping has been taken care of & they'll repair brick that is deteriorating
11/14/2023	3156 Cloverdale Rd.	Cloverdale-Idlewild	Vacant residence, overgrown lot--demo by neglect	S/w owner's agent, who said landscaping is taken care of and residence secured
11/17/2023	620 Ponce de Leon Ave.	Cloverdale-Idlewild	Vacant residence, overgrown lot, hole in roof--demo by neglect	Residence still overgrown, moving inspection to 12/04 to give owner agent time to resolve issue
11/17/2023	3156 Cloverdale Rd.	Cloverdale-Idlewild	Vacant residence, overgrown lot--demo by neglect	Visited site & verified landscaping has been cleaned up; sent letter confirming violation is resolved
11/17/2023	944 E. Fairview Ave.	Cloverdale-Idlewild	Vacant residence, overgrown lot--demo by neglect	Visited site, residence still overgrown--asked CIA President if any neighbors have a way to contact the owner as both 60-day letters sent previously were returned
11/21/2023	1310 Woodward Ave.	Old Cloverdale	Accessory structure partially demolished earlier in the year without COA	30-day violation letter sent
11/27/2023	398 Winthrop Ct.	Garden District	Removed concrete tile from roof without COA	Issued stop work order; sent 30-day violation letter; ARB application received same day
11/29/2023	1310 Woodward Ave.	Old Cloverdale	Accessory structure partially demolished earlier in the year without COA	S/w owner, he's going to submit an ARB application to req demolition after-the-fact

### **III. Full Review of Items.**

#### **OLD BUSINESS**

##### **1. PRESENTED BY:** Joanna Mortara

**SUBJECT:** Request for approval of a change in fence material and extension of the fence line for the property located at 1637 Madison Avenue (Capitol Heights—Madison).

**REMARKS:** The petitioner is requesting approval of a change in fence material and extension of the fence line. Mrs. Mortara would like to change the existing chain link fence to a wooden privacy fence to increase safety at this corner-lot residence with several windows on its east side, facing a busy street. Mrs. Mortara requests the new fence to be 6' tall, made of Spruce or treated wood and to have vertical slats. The proposal replaces the chain link all around the property, except for the west boundary where the neighbor already has a privacy fence—chain link would remain along this boundary. On the eastern boundary, the proposal extends the fence line approximately 16' south before returning another 16' at the southeast corner of the residence—thereby enclosing a sunroom on the residence's east elevation. The existing 17' portion of chain link going west from the property line to a northeast corner of the residence would be removed.

**STANDARD OF REVIEW:** Section 15-127 of the City Code states that “the board shall approve an application and issue a certificate of appropriateness if it finds that the proposed change, erection or demolition conforms to the general design standards established by the board, is compatible with the character of the historic property or historic district and does not materially impair the architectural or historic value of the historic property or historic district.”

#### **DEPARTMENT COMMENTS:**

##### **Zoning: R-60-s**

- Mrs. Mortara has applied to the Board of Adjustment to request a variance for the required side yard setback. Due to the ARB meeting being moved for Christmas, the Board of Adjustment meeting falls the day after the ARB meeting. Any approval by this Board is subject to the variance being granted by the BOA.

**NOTES** \_\_\_\_\_

**ACTION** \_\_\_\_\_



1637 Madison Avenue, Capitol Heights—Madison, 11/09/23 and 10/12/23

1A





1637 Madison Avenue, Capitol Heights—Madison, 10/12/23



1637 Madison Avenue, Capitol Heights—Madison, 11/09/23





1637 Madison Avenue, Capitol Heights—Madison, 11/09/23

1D



JO MORTARA  
1637 MADISON AVE  
FEDERAL DRIVE  
MONTGOMERY, AL 36107  
214-335-4170

PHOTOS  
PLOT MAP

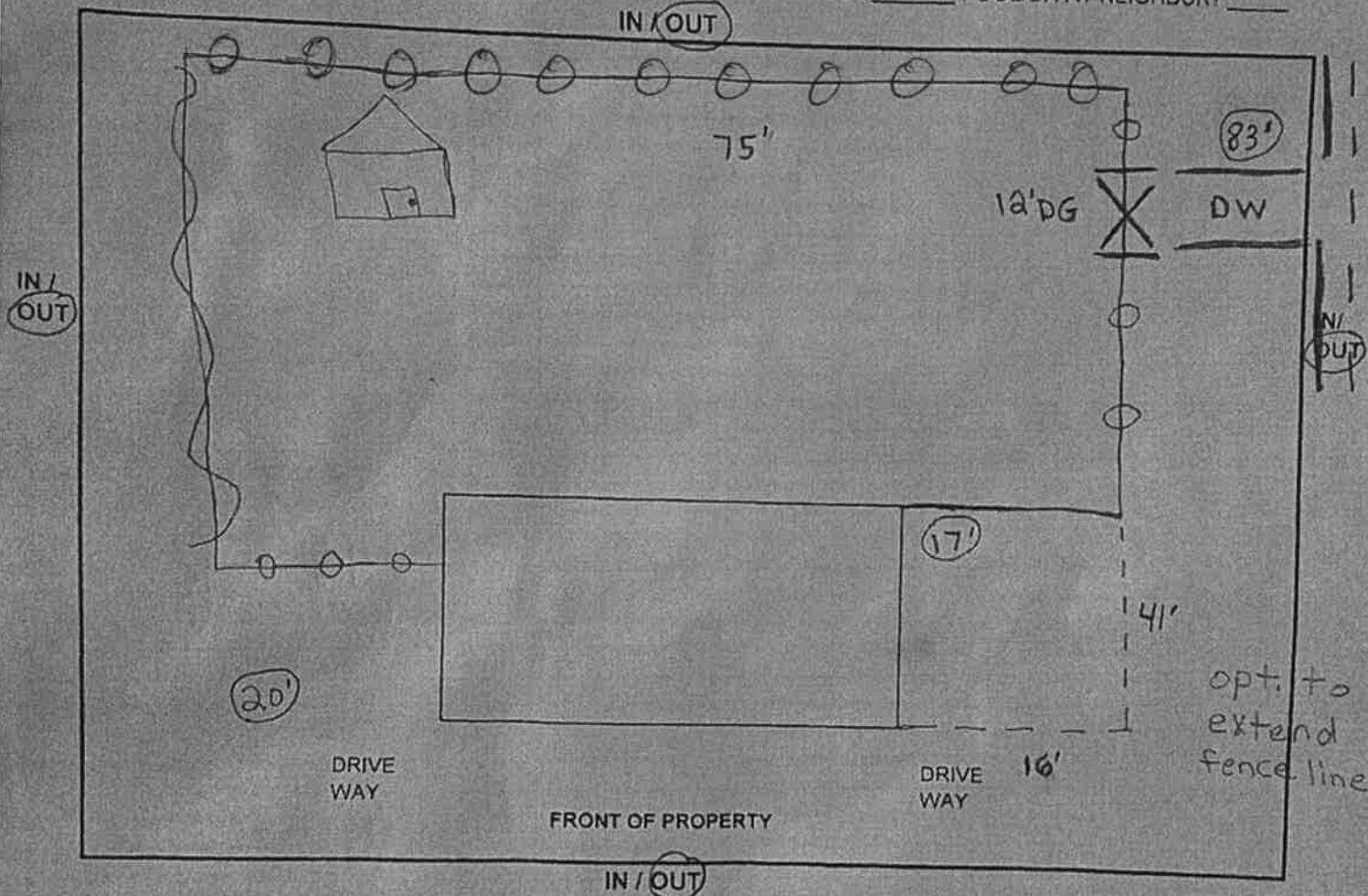
Yes

PERMIT  
WATER BIB AVAIL  
ANY/HOW MUCH HAND DIG  
PRIVATE UTILITIES?  
TO SHED, POOL, GAS TO GRILL

DATE CLOSE ON HOUSE OR YARD TO BE READY \_\_\_\_\_

MAIN REASON(S) OR CONCERNS FOR THE FENCE: \_\_\_\_\_ ALL PROPERTY PINS VISIBLE? \_\_\_\_\_

TOP OF FENCE LEVEL OR FOLLOW GROUND \_\_\_\_\_ SMALL DOG? \_\_\_\_\_ POOL/OR AT NEIGHBOR? \_\_\_\_\_



\*\*\*\*\*IS YARD / AREA DITCH WITCH FRIENDLY\*\*\*\*\*

LOOK THROUGH NEIGHBORING FENCES AND MAKE NOTES OF CABLE BOXES, PETS, POOLS, ETC

SYMBOLS

-X-X-X- NEW FENCE  
^--^--^-- REMOVE-LEAVE DOWN  
O--O--O-- REPLACE  
~~~~~ EXISTING-LEAVE AS IS

TOTAL LINEAR FEET \_\_\_\_\_

HOURS TO SET: \_\_\_\_\_ HOURS TO BUILD: \_\_\_\_\_

SPECIAL TOOLS: WATER DRUM DUMP TRAILER  
\*\*\*SEE REVERSE FOR ADDITIONAL SPECIAL TOOLS\*\*\*

NOTES:

Std Priv  
Right side fence to be

CUSTOMER SIGN FOR DRAWING, NOTES & FENCE LOCATION PURPOSES ONLY:

## NEW BUSINESS

### 2. PRESENTED BY: Barry Cobb

**SUBJECT:** Request for approval, after the fact, for removal of a tree for the property located at 1524 Gilmer Avenue (Garden District). VIOLATION

**REMARKS:** The petitioner is requesting approval, after the fact, for the removal—in March of this year—of a water Oak tree that he claims had a fungal disease and core rot. The tree was 36” at base and had totaled a vehicle with its falling limbs. Mr. Cobb subsequently received a nuisance abatement notice regarding tree limbs on July 20, 2023. A replacement Eastern Cedar tree in the approximately same location as the former water Oak (left of the driveway in the front yard) is proposed. Results from testing by the Alabama Cooperative Extension plant diagnostic laboratory within the C. Beaty Horticulture and Environmental Center at Auburn University confirm that the tree was diseased.

**STANDARD OF REVIEW:** Section 15-127 of the City Code states that “the board shall approve an application and issue a certificate of appropriateness if it finds that the proposed change, erection or demolition conforms to the general design standards established by the board, is compatible with the character of the historic property or historic district and does not materially impair the architectural or historic value of the historic property or historic district.”

### DEPARTMENT COMMENTS:

#### **Zoning: R-75-s**

- A code violation exists because the owner removed the tree without FIRST requesting and receiving an inspection from the urban forester.
- We issued a violation letter March 27, 2023, and Mr. Cobb sent us an ARB application in April but then requested to hold it pending the Auburn University lab results. Since staff had not heard back about this since April, Shaun followed up by phone November 2, 2023, to request the lab test results but only received them after a subsequent email follow up on November 20, 2023. The lab test is dated November 3, 2023, and the results were reported on November 8, 2023. Thus, it appears the test was not requested until after Shaun spoke with Mr. Cobb about the situation.

**NOTES** \_\_\_\_\_

**ACTION** \_\_\_\_\_





1524 Gilmer Avenue, Garden District, 11/30/23





1524 Gilmer Ave 3/25/23

2B





1524 Gilmer Ave 3/25/23 AC

















# City of Montgomery, Alabama

Harold Kippy Tate, AIA, Director  
Inspections Department

Steven L. Reed  
Mayor

Montgomery City Council Members  
Charles Wright - President  
Carmelia "Coco" Calhoun - Pres. Pro Tem  
Granda K. Michel  
Marsha Johnson  
Stanley W. Lyons  
Glen D. Pruitt, Jr.

Audrey Graham  
Cay Morris  
Ed Givens

July 20, 2022

REMOVE ALL LITTER, JUNK, TRASH, DEBRIS AND  
DISPOSE OF PROPERLY. OVERGROWN GRASS  
ENTIRE PROPERTY MUST BE CUT, CUT ENTIRE  
YARD, FRONT, BACK, AND SIDES

(4315)

COBB WANGSHU CHEN & COBB BARRY  
6252 BELL GROVE PL  
MONTGOMERY AL 36117

Dear Property Owner:

You are hereby notified that the condition described below constitutes a public nuisance of the property in violation of Municipal Ordinances Chapter 12. **If the nuisance is not abated by 7/30/2022, an administrative fee of \$150.00 shall be assessed on the property.**

|                                                  |                                                         |                                                             |
|--------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Abandoned/Obsolete Sign | <input type="checkbox"/> Junk Vehicles                  | <input type="checkbox"/> Tires                              |
| <input type="checkbox"/> Appliances              | <input checked="" type="checkbox"/> Litter, Junk, Trash | <input checked="" type="checkbox"/> Tree Limbs              |
| <input type="checkbox"/> Auto Parts              | <input type="checkbox"/> Mud                            | <input type="checkbox"/> Tree Stumps                        |
| <input type="checkbox"/> Blog Material           | <input checked="" type="checkbox"/> Overgrown Grass     | <input type="checkbox"/> Tree Violation                     |
| <input type="checkbox"/> Carpet                  | <input type="checkbox"/> Pooling/Ponding of Foul Water  | <input type="checkbox"/> Unattended Donation/Collection Box |
| <input type="checkbox"/> Debris                  | <input type="checkbox"/> Repair of Motor Vehicles       | <input checked="" type="checkbox"/> Weeds                   |
| <input type="checkbox"/> Furniture               | <input type="checkbox"/> Stagnant Pool/Pond             | <input type="checkbox"/> Wood                               |
| <input type="checkbox"/> Graffiti                |                                                         |                                                             |

A public hearing will be held in the City Council Chambers at 5:00 PM on Tuesday, 2 August, 2022 to authorize the City of Montgomery to abate this public nuisance with the cost of abatement constituting a special assessment against the property. Any objection must be filed in writing with the Chief Code Enforcement Inspector or his representative, and the City Clerk's office four (4) business days prior to the date of the public hearing and request the City Council to hear and consider an evidence, objections and protest regarding whether or not the condition should be ordered abated or removed and cost assessed.

If abatement and removal are ordered, the abatement cost and the administrative fee of \$150.00, shall be added by way of lien to the next regular property bill to be collected at the same time and in the same manner as ordinary municipal taxes are collected, or through court action. If collected in the same manner as municipal taxes, the cost shall be subject to the same commissions and fees and the same procedures for foreclosure and sale in case of delinquency as provided for ordinary municipal taxes. Further, if this property is found in a condition that constitutes a public nuisance, in violation of City Code, hereafter and a public hearing notice is mailed for the property in violation, a processing fee in the amount of \$50.00 shall be assessed for each instance in which notice is mailed during the calendar year. Prosecution in Municipal Court may result pursuant to Section 1-6, Code of Ordinances of the City of Montgomery upon any third or subsequent violation of this Ordinance within a twenty-four month period.

If the nuisance condition is abated prior to the expiration of ten (10) days from the date of this notice, contact the City of Montgomery Code Enforcement Division at (334) 625-2069 between 7:30 AM and 4:30 PM Monday through Friday, so further proceedings and costs can be avoided.

## CODE ENFORCEMENT

COBB WANGSHU CHEN & COBB BARRY  
6252 BELL GROVE PL  
MONTGOMERY AL 36117

000137472  
724

Property: 1524 GILMER AVE  
Parcel: 10 04 19 2 014 027 000  
Size: 115 X 300 IRR  
Loads:

Location/Remarks: W/S 4 S OF FELDER

Sincerely,

Caleb Brown  
Property Maintenance Inspector  
City of Montgomery Inspections Department  
334-625-2171  
cbrown@montgomeryal.gov

Code Enforcement Division Located at 25 Washington Ave., 1st Floor  
P.O. Box 11111 Montgomery, Alabama 36106-1111

Phone (334) 625-2069

Fax (334) 625-2226





**Plant Diagnostic Laboratory**  
C. Beaty Hanna Horticulture and Environmental Center  
Alabama Cooperative Extension System  
2612 Lane Park Rd.  
Birmingham, AL 35223-1802  
Phone: 205-879-6964 ext. 19  
Email: jacobjc@auburn.edu

**PLANT SPECIMEN DIAGNOSTIC REPORT Specimen # 2023-1102**

**SUBMITTED BY**

Barry Cobb  
6252 Bell Grove Place  
Montgomery, AL 36117  
barrysrus@yahoo.com

**PHONE**

334-294-0530

**COUNTY**

MONTGOMERY, AL

**CONDITION UPON ARRIVAL**

Good Sample and Information

**GENERAL OBSERVATIONS**

**PLANT**

Oak, Water (*Quercus nigra*)

**VARIETY**

**INTERNAL LAB NO.**

**LAB FEE**

\$0.00

**PLANT MATERIAL**

**DIAGNOSTICIAN(S)**

James Jacobi

**DIAGNOSTIC TECHNIQUE(S)**

☒ Visual Examination

☒ Microscopic Examination

☐ BIOLOG (Bacterial Identification System)

☐ ELISA (Serological)

**METHOD SUBMITTED**

Walk-In

**CLASS**

Landscape Woody Ornamental

**REPLY FROM LAB**

November 8, 2023

**RECEIVED BY LAB**

November 3, 2023

☐ Host Inoculation

☐ Inclusion Body

☐ Lab Culture

☐ Moist Chamber Incubation

☐ Nematode Extraction

☐ Other

☐ Soil EC

☐ Soil pH

**Diagnosis/Recommendations**

**Diagnosis:** Heart rot (*Unidentified Agent*)

**Category:** Fungal

**Comments:** As we discussed, the pictures and sample all indicate that the water oak was suffering from heart rot or internal decay. Water oaks are especially prone to decay, especially trees 50 years or older. Old wounds from storms, construction, and poor pruning practices are all potential sites for decay organisms to enter oak trees. The best way to identify the fungus causing the wood decay is to identify the fruiting bodies (mushrooms or conks) that grow on infected trees. Hispidus canker (*Inonotus hispidus*) is one common fungus that causes heart rot and trunk cankers in oaks, but there are several possibilities. *Inonotus dryadeus* is another common wood decay fungus that causes internal decay in the lower trunk and roots of oaks.

See the following links for more information.

[Heart Rot in Trees November 15 2014.pdf \(unl.edu\)](#)

[Publication 8.5 x 5.5 \(floridaisa.org\)](#)

[fsbdev2\\_043348.pdf \(usda.gov\)](#)

[Tree Diseases that Create Hazards \(psu.edu\)](#)

[Tree Health Assessment and Risk Management | Mississippi State University Extension Service \(msstate.edu\)](#)

Please let me know if you have any questions.

2H

**3. PRESENTED BY:** Lauvone Turner

**SUBJECT:** Request for approval to add a parking pad at the West end of existing driveway runners for the property located at 121 N. Capitol Parkway (Capitol Heights—St. Charles).

**REMARKS:** The petitioner is requesting approval to pour concrete to create a parking pad at the West end of the existing concrete driveway runners. The parking pad would be 20' L x 9' W and plain concrete—no odd colors—will be used. The pad will surround an existing chimney, but the chimney will remain in place.

**STANDARD OF REVIEW:** Section 15-127 of the City Code states that “the board shall approve an application and issue a certificate of appropriateness if it finds that the proposed change, erection or demolition conforms to the general design standards established by the board, is compatible with the character of the historic property or historic district and does not materially impair the architectural or historic value of the historic property or historic district.”

**DEPARTMENT COMMENTS:**

**Zoning: R-60-s**

- No objections.

**NOTES** \_\_\_\_\_

**ACTION** \_\_\_\_\_



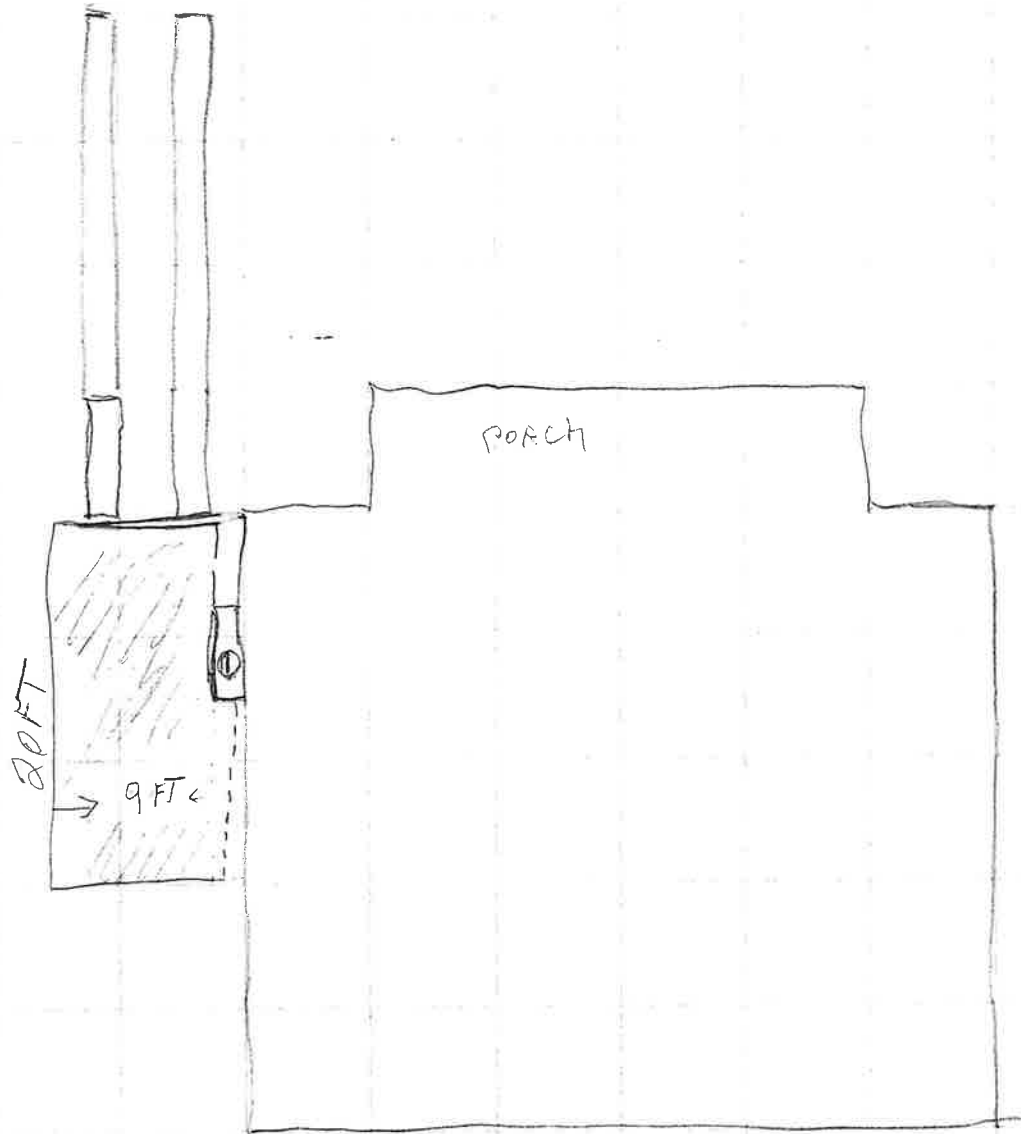
121 N. Capitol Parkway, Capitol Heights—St. Charles, 11/30/23





121 N. Capitol Parkway, Capitol Heights—St. Charles, 11/30/23

N. CAPITOL PKWY



① CHIMNEY

**4. PRESENTED BY:** Erik Torres & Norma Garcia

**SUBJECT:** Request for approval, after the fact, to add shutters to the west façade of the property located at 3311 Wellington Road (Cloverdale Idlewild). VIOLATION

**REMARKS:** The petitioner is requesting permission, after the fact, to retain three sets of new shutters on either side of the windows on the west façade of the residence. From left to right, the windows are 36" x 70", 99 ¾" x 70", and 74 ¼" x 70". The shutters are black in color, and they are 13" x 70.5" on each side.

**STANDARD OF REVIEW:** Section 15-127 of the City Code states that "the board shall approve an application and issue a certificate of appropriateness if it finds that the proposed change, erection or demolition conforms to the general design standards established by the board, is compatible with the character of the historic property or historic district and does not materially impair the architectural or historic value of the historic property or historic district."

**DEPARTMENT COMMENTS:**

**Zoning:** R-75-s

- If new shutters are approved, staff thinks that what is presently installed may need to be replaced with something else that matches the style of the residence more closely.
- This house was listed for sale 11/28/2023.

**NOTES** \_\_\_\_\_

**ACTION** \_\_\_\_\_





3311 Wellington Road, Cloverdale Idlewild, 11/30/23

4A



3311 Wellington Road, Cloverdale Idlewild, Shutter detail, 11/30/23



**5. PRESENTED BY:** Caroline A. Breashears

**SUBJECT:** Request for approval, after the fact, to replace concrete tile roof with architectural asphalt shingles for the property located at 398 Winthrop Court (Garden District). VIOLATION

**REMARKS:** The petitioner is requesting approval, after the fact, to replace concrete tiles on the roof with architectural asphalt shingles. We received a complaint about the tiles being removed on November 24, 2023. Despite the tiles being removed and some asphalt shingles already being installed, a stop work order was issued November 28, 2023—Shaun advised the contractor and owner on this day that any further work would be done at their own risk because we cannot guarantee that the change in materials will be approved. Mr. and Mrs. Breashears indicated a tree fell on the roof in June of this year and they had been searching for concrete tiles but could not find them nor would their insurance company pay for them. The roof started to leak, so they felt a sense of urgency to get the roof repaired—they selected architectural asphalt shingles, which were easily available and which insurance would pay for.

**STANDARD OF REVIEW:** Section 15-127 of the City Code states that “the board shall approve an application and issue a certificate of appropriateness if it finds that the proposed change, erection or demolition conforms to the general design standards established by the board, is compatible with the character of the historic property or historic district and does not materially impair the architectural or historic value of the historic property or historic district.”

**DEPARTMENT COMMENTS:**

**Zoning: R-75-s**

- If the board approves asphalt shingles, perhaps it should require that the next roof replacement return to concrete tiles as a condition of the approval.

**NOTES** \_\_\_\_\_

**ACTION** \_\_\_\_\_



398 Winthrop Court, Garden District, 11/30/23





398 Winthrop Court, Garden District, Concrete tiles on ground near porch in top photo, 11/30/23

**6. PRESENTED BY:** Hilda Dent

**SUBJECT:** Request for approval to add a balustrade to the front porch of the property located at 1019 S. Lawrence Street (Garden District).

**REMARKS:** The petitioner is requesting permission to add a balustrade to the front porch of the residence. Ms. Dent’s insurance company cancelled the policy on this residence because the porch lacked a balustrade, and it is situated upon a hill—presenting a potential fall hazard. Currently, a pair of heavy metal chains, original to the residence, span the gaps between the battered piers. These are not sufficient for the insurance company. Ms. Dent has added a temporary wooden handrail that will be replaced with the balustrade, if approved. The top portion of the balustrade will connect to the east (rear) part of each pier—toward the house rather than the west (front) of the piers, toward the street. It is unclear if the chains will be retained or removed.

Two options are presented:

- Wood rails and square spindles, painted to match dark brown siding on the residence
- Black metal rails and posts, to match security bars on the front doors of the residence

The building code height requirement of 34”-38” is a “big concern,” for Ms. Dent because the windowsills are only 26” high, and this would make the balustrade a fair bit taller than the windows. The petitioner is concerned that the angle from the street would make the balustrade seem even higher since the residence is on a hill.

**STANDARD OF REVIEW:** Section 15-127 of the City Code states that “the board shall approve an application and issue a certificate of appropriateness if it finds that the proposed change, erection or demolition conforms to the general design standards established by the board, is compatible with the character of the historic property or historic district and does not materially impair the architectural or historic value of the historic property or historic district.”

**DEPARTMENT COMMENTS:**

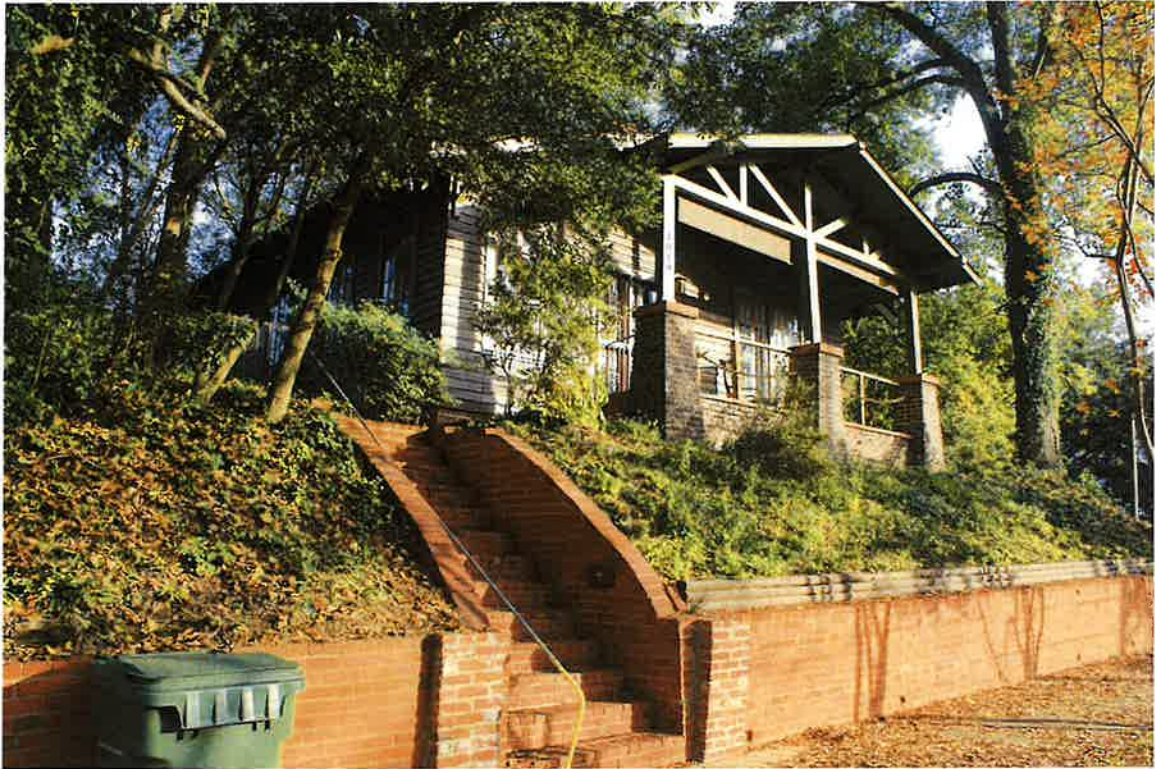
**Zoning: R-60-d**

- No objections.
- For the metal option, would it be wrought iron or something else?
- The board should ask if Ms. Dent plans to retain the chains or remove them.

**NOTES** \_\_\_\_\_

**ACTION** \_\_\_\_\_





1019 S. Lawrence Street, Garden District, 11/30/23





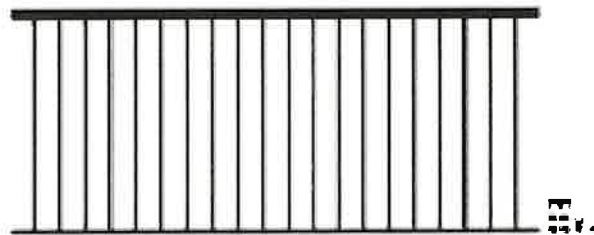
1019 S. Lawrence Street, Garden District, front porch view, 11/28/23

6B





637 Cloverdale Road, Old Cloverdale, example of a similar wooden balustrade, 11/28/23



637 Cloverdale Road, Old Cloverdale, example of a similar wooden balustrade, 11/28/23; Image of a black metal railing from Lowe's