

HISTORIC DISTRICT BOARD OF REVIEW

**REGULAR MEETING
112 EAST STATE STREET
ARTHUR A. MENDONSA HEARING ROOM**

JANUARY 12, 2005

2:00 P.M.

MINUTES

Members Present:

**W. John Mitchell, Chairman
Swann Seiler, Vice-Chairman
Dian Brownfield
Dr. Gerald Caplan
John Deering
Gwendolyn Fortson-Waring
Ned Gay
Dr. Lester B. Johnson, Jr.
Eric Meyerhoff
John Neely**

MPC Staff Present:

**Beth Reiter, Preservation Officer
Lee Webb, Preservation Specialist
Christy Adams, Secretary**

RE: Call to Order

Mr. Mitchell called the January 12, 2005 meeting of the Savannah Historic District Board of Review to order at 2:00 P.M.

RE: Sign Posting

Mrs. Brownfield stated she did not see a sign posted for 514 M.L.K., Jr., Blvd, but she noticed on the agenda that the petition had been withdrawn.

All signs were properly posted.

RE: Consent Agenda

**RE: Petition of Doug Bean Signs, for
Cora Bett Thomas
HBR 04-3313-2
15 East York Street
Sign**

The Preservation Officer recommends **approval**.

**RE: Petition of Dirk Hardison, for
Raymond Masciarella
HBR 04-3314-2
120 West Harris Street
Alterations**

The Preservation Officer recommends approval.

HDBR Action: Ms. Seiler made a motion that the Savannah Historic Board of Review approve the Consent Agenda as submitted. Dr. Johnson seconded the motion and it was unanimously passed.

RE: Regular Agenda

**RE: Continued Petition of William Dye, Jr.
HBR 04-3290(S)-2
108 West Jones Street
Alterations**

Mr. Neely recused himself from the petition.

Present for the petition was William Dye.

Mrs. Reiter gave the following Staff report.

The applicant is requesting approval of the following alterations:

1. Add a new 10' x 13'-4" wood deck at rear, attached to existing metal stair and landing.
2. Rework the existing handrail at third floor roof terrace.
3. Add a new wood handrail cap to rail of all existing steel fire stairs.
4. Paint new wood and steel stairs BEHR "Black Swan".
5. Replace existing fixed glass panels on rear wall of building with three Kolbe and Kolbe Heritage Series, single glazed, wood, 7/8" muntins, double hung windows. Paint to match existing windows.
6. Replace existing rear door with a wood, six-raised panel door. Paint to match existing doors.
7. Provide treated wood lattice screen wall (6'-0" high) at sides of new wood deck mounted in treated wood frames. Paint "Black Swan".
8. Request approval of both "wood" and alternate "metal" handrail solution

FINDINGS

The following Standards apply:

Section 8-3030 (k) Development Standards (1): Preservation of historic structures within the Historic District. An historic structure...visible from a public street or lane...shall only be...altered or maintained in a manner that will preserve the historical and exterior architectural features of the historic structure...

Section 8-3030 (l) (9) Windows: Double glazed (simulated divided light) windows are permitted on non-historic facades and on new construction, provided however, that the windows meet the following standards: The muntin shall be no wider than 7/8 inch; the muntin profile shall simulate traditional putty glazing; the lower sash shall be wider than the meeting and top rails; extrusions shall be covered with appropriate molding.

RECOMMENDATION

Approval including both railing solutions. The new deck is consistent with other decks on this lane. The new railings are more compatible than the former lattice railings. The new windows more accurately reflect the proportions of the historic windows on the building and are single glazed.

HDBR Action: Ms. Seiler made a motion that the Savannah Historic Board of Review approve the petition as submitted. Dr. Caplan seconded the motion and it was unanimously passed.

**RE: Continued Petition of Gunn, Meyerhoff, & Shay
Patrick Shay
HBR 04-3293-2
15 M.L.K., Jr., Blvd.
Alterations**

Mr. Meyerhoff recused himself.

Present for the petition was Patrick Shay.

Mrs. Reiter gave the following Staff report.

The applicant is requesting Part II Design approval as follows:

1. The design has been revised as follows:
 - Stucco has been eliminated from the tops of façade elements in brick. A brick cornice has been added above the fifth floor, and soldier brick courses and decorative inset “medallions” added to the articulated parapets.
 - Brick for the field elements are proposed to be Jenkins “MENAWA” in modular size with textured finish (sample provided). Decorative band at 3rd floor, cornice, soldiers, and medallions at parapet to be same size and color range, smooth finish.
 - Base level at ground floor to be Arriscraft “Pecan” cast stone in smooth finish (sample provided) with matching color stucco for area marked stucco on plans, and a similar colored mortar for both cast stone and brick masonry.
 - Ornamental metal railings and grille, window sash, and powder coated metal canopy to be dark bronze color. Windows to be commercial grade aluminum sash, in 2 over 2 light patterns as shown.
 - Stucco is proposed for areas above and below the windows, for insets on the west elevation and for the center section of the north elevation. This north façade will eventually be screened by other multi-story buildings along Bay Street.
 - The pediment has been eliminated at the Bryan Street entrance and a monumental-scaled pedestrian cast stone entrance substituted. The entrance has flanking pilasters and brick parapets similar to those at the high roof.
 - The bay windows on the MLK elevation have been eliminated.
 - Section details of the exterior facades have been provided.
 - Exterior signage and lighting will be submitted at a later date.

FINDINGS

The following Standards apply:

1. The first story shall be separated from the upper stories by an architectural feature such as a projecting horizontal band. This standard has been met.

2. The height of the first story shall not be less than the exterior visual expression of the height of any single story above the first story. This standard has been met.
3. The exterior visual expression of the top story of buildings over three stories shall be distinctive from the stories below the first story. This standard has been met by the ornament applied to the top story.
4. The frontage of tall buildings shall be divided into architecturally distinct sections no more than 60 feet in width with each section taller than it is wide. This standard has been met.
5. Buildings greater than four stories in height shall use window groupings, columns or pilasters to create bays not less than 15 feet nor more than 20 feet in width. This standard has been met.
6. Roofs shall be flat with parapets or etc. This standard has been met.
7. Primary entrances are located on both street frontages.
8. The centerline of window and door openings shall align vertically.
9. All windows facing a street, exclusive of storefronts, basement and top story windows, shall be rectangular and shall have a vertical to horizontal ratio of not less than 5:3...
10. Window sashes shall be inset not less than three inches from the façade of a masonry building.
11. The distance between windows shall not be less than for adjacent historic buildings, nor more than two times the width of the windows. Paired or grouped windows are permitted, provided the individual sashes have a vertical to horizontal ration of not less than 5:3. (standards 7-11 have been met)

The following Visual Compatibility Factors apply:

Relationship of materials, textures, color: The relationship of materials, texture, and color of the façade shall be visually compatible with the predominate materials used in the structures to which it is visually related. This compatibility factor has been met.

RECOMMENDATION

Approval with the suggestion that the stucco panels above and below the windows on the Bryan Street side, M.L.K, and the first three bays of the north elevation be brick rather than stucco. The reason for the suggestion is so that the materials are consistent.

Petitioner's Comments:

Mr. Shay stated when they made their first presentation they had a motor loggia on M.L.K., Jr., Blvd. side, which has been eliminated so that there could be a storefront. The M.L.K. entrance which meets the standards to have an entrance on each major frontage would be the place for taxis to cue up. A motor arrival court would be placed on the Bryan Street side. He said the owners were concerned that this area appeared to have a tight turning radius. He said he wanted to point out to the Board that since this area on the inside was actually screened from view it may be necessary for them to come back and tweak this on the inside. But if there was anything that changed on the exterior of the building they would come back to the Board.

He further stated that with regard to Staff's suggestions that they replace the stucco at the top level and use brick. The Ships of the Sea Museum also felt strongly that this building have brick at the cornice level. He said they believed that having the stucco above and below the windows helped the composition to read more vertically in these areas. So, they would like to retain the stucco elements that were above and below the windows so that they could get a little more lift to the composition.

He stated with regard to the stucco on the side that faced the utility easement, unlike the others was relatively flat. He said when they studied it they felt that having the center stucco section broke it up. It also presented a more economical façade that before too long would be covered up by something better when the hotel that he felt was inevitable for the corner of Bay and M.L.K., Jr., is constructed. He said they have gone from a scheme that was about 50 percent brick and 50 percent stucco to something that was predominantly brick. He said they would like to retain some of the stucco in the composition.

Board Comments:

Mrs. Brownfield stated she was concerned about the north façade eventually being screened by this multistory building and how long might that be.

Mr. Shay stated for the foreseeable future he did not know whether there would be a building built on that corner.

Public Comments:

Mr. Mark McDonald (Historic Savannah Foundation) stated HSF would like to commend the petitioner for the changes they made. However, HSF agrees with the Preservation Officer that the elimination of the stucco panels between windows would give the façade a more cohesive feeling. He said HSF also agreed with the petitioner that it does add to the verticality, but they wanted the building to have more of a horizontal character. He said HSF would like to ask the petitioner to reconsider that.

Discussion:

Mr. Neely asked where will the dumpsters be?

Mr. Shay stated they were proposing a screened dumpster be placed at the back of the utility easement.

Mrs. Brownfield asked if he could elaborate about the ornamental metal railing at the roof.

Mr. Shay stated they proposed that it be a simple, straight forward pattern that was a reflection of the ornamental railing that was used for the balconies.

HDBR Action: Dr. Caplan made a motion that the Savannah Historic Board of Review approve the petition as submitted. Mrs. Fortson-Waring seconded the motion and it was passed 7 – 1. Opposed to the motion was Mrs. Brownfield.

RE: Petition of Coastal Canvas
Jim Morehouse
HBR 04-3312(S)-2
514 M.L.K., Jr., Blvd.
Awning

Petition withdrawn per petitioner's request.

HDBR Action: Dr. Caplan made a motion that the Savannah Historic Board of Review accept the withdrawal of the petition. Mrs. Fortson-Waring seconded the motion and it was unanimously passed.

**RE: Petition of Poticny, Deering, & Felder
Brian Felder
HBR 04-3315-2
219 East York Street
Alterations**

Mr. Deering recused himself.

Present for the petition was John Deering.

Mr. Webb gave the following Staff report.

The petitioner is requesting approval to make alterations to 219 East York Street, including adding a rear deck with a new stair.

FINDINGS

The following Standards and Guidelines are applicable:

Section 8-3030(k) Development Standards:

- (1) Preservation of historic structures within the Historic District: An historic structure and any outbuildings, or any appurtenances related thereto visible from a public street or lane, including but not limited to walls, fences, light fixtures, steps, paving, sidewalks, and signs shall only be moved, reconstructed, altered, or maintained in a manner that will preserve the historical and exterior features of the historic structure or appurtenance thereto. For the purposes of this section, exterior architectural features shall include, but not limited to the architectural style, scale, general design, and general arrangement of the exterior of the structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors, and signs.
- (6) Visual Compatibility Factors: New construction and existing buildings and structures and appurtenances thereof in the Historic District which are moved, reconstructed, materially altered, repaired, or changed in color shall be visually compatible with structures, squares, and places to which they are visually related.

DISCUSSION

1. The proposed new deck will be located on the lane elevation of 219 East York Street. The adjacent property has an existing balcony.
2. The new deck will project 5'6" from the façade and will have a cast iron railing that is 3' tall and painted "Charleston Green." The deck will have a wood decking floor and be supported by 6x6 posts. A 6'5" tall wood privacy screen wall will be located on the new deck to separate from the adjacent property. The privacy wall will be painted "Charleston Green." The petitioner provided elevations and details of the proposed deck, privacy wall, and stair.
3. A new staircase will be added to allow access from the proposed deck to the courtyard area. The new staircase will have the same cast iron railing as the deck. The railing will also be painted "Charleston Green." The stairs will be steel with attached pressure treated wood treads and decking.
4. The existing 7'4" tall garden wall will obscure most of the new staircase.
5. An existing window will be converted into a new door, maintaining the head height and width. However, no additional information is provided regarding the new door. The petitioner needs to provide information regarding the new door.

RECOMMENDATION

Staff recommended approval with the condition that the Petitioner provide information on the new door.

Petitioner’s Comments:

Mr. Deering stated the new door would be painted wood with eight true divided lights.

Mr. Gay asked why did they decide to make this door with lights as opposed to the matching door on the other side with an overhead transom.

Mr. Deering stated the door on the other side was not his client’s property. He said this was a double house. In addition his client wanted more light into their kitchen area.

HDBR Action: **Mrs. Fortson-Waring made a motion that the Savannah Historic Board of Review approve the petition as submitted. Ms. Seiler seconded the motion and it was unanimously passed.**

**RE: Petition of Timothy Coy
 HBR 04-3316-2
 315 East Huntingdon Street
 New Construction – Part I & II**

Mr. Gay recused himself.

Present for the petition was Timothy Coy.

Mrs. Reiter gave the following Staff report.

The applicant is requesting Part I Height and Mass and Part II Design approval for a two story stuccoed carriage house behind 315 East Huntingdon Street.

FINDINGS

The following Standards apply:

Section 8-3030 (I) Design Standards (13) Lanes and carriage houses

- c. New carriage houses may provide up to a four-foot setback to allow a turning radius into the garage on a narrow lane.
- d. Garage openings shall not exceed 12 feet in width.
- e. Roofs shall be side gable, hip with parapet, flat or shed hidden by a parapet.

Section 8-3030 (I) (9) Windows

- c. Double glazed (simulated divided light windows are permitted on nonhistoric facades and on new construction, provided, however, that the windows meet the following standards: the muntin shall be no wider than 7/8 inch; the muntin profile shall simulate traditional putty glazing; the lower sash shall be wider than the meeting and top rails; extrusions shall be covered with appropriate molding.

- f. Window sashes shall be inset not less than three inches from the façade of a masonry building.
- l. Shutters shall be constructed of durable wood; provided, however, the historic review board may approve other materials upon a showing by the developer that the product is visually compatible with historic building materials and has performed satisfactorily in the local climate.

Visual Compatibility Factors. The following factors appear especially relevant to the proposed structure.

1. Height.
2. Relationship of Materials, textures, colors
3. Roof Shape
4. Scale of a building

Manual for Development in the Savannah Historic District; Architectural Guidelines Section 7 Lanes and Carriage Houses. “Carriage houses were traditionally accessory to a main house in mass and scale. They were secondary to the main structure.

DISCUSSION:

Height: The height to the eave is 21 feet. The height to the peak of the roof is 29 feet. No height is given for the main house. It would appear from the model that the proposed carriage House is almost as high as the main house and is only a few feet lower than the adjacent row houses.

Relationship of width to height: The width is 38 feet. The structure as proposed appears too large for a secondary structure on the lane. Consideration should be given to lowering the height.

Windows: The windows have a proportion of 5:3. They are wood, double hung, by Marvin with 7/8” muntins with hurricane resistant glass and operable wood shutters. As drawn the window sashes appear to be the same width all around. Please clarify. Are they set in at least 3” from the façade? Will the shutters have a middle horizontal band?

Doors: The garage doors are steel with wood cladding by Amarr. The two garage openings are 10’ each. The doors meet the standards.

Materials: The carriage house is stucco over concrete block with scoring. The colors will match the main house. No photo was provided of the main house. It is a frame late Queen Anne style with stick style details. The adjacent row is stuccoed. Given the proximity of the row a stuccoed carriage house would appear to be compatible.

RECOMMENDATION

Reconsideration of height and mass so that the carriage house is secondary to the main dwelling.

Board Comments:

Mr. Neely asked Staff if she felt a flat roof with two stories was a solution?

Mrs. Reiter stated she thought a flat roof with a parapet. She said she believed the petitioner was going to address it with a gable roof but lower.

Mr. Meyerhoff asked what was the rationale in having a garage 11 feet? He said if they took out 1 foot for the flooring of the second floor that would give a 10 foot ceiling in the garage. He said most garages were 7 feet to 8 feet.

Mr. Daniel Brown stated they tried looking at the other buildings in the area and make it look according to the buildings across the lane. He said they could drop the first floor down which would help the mass.

Mr. Brown stated that was something they discussed and something they would like to do. He said they would like to take out 18 inches (2 courses of block) out of the height.

Dr. Caplan asked if there were any other things they thought about other than just lowering the roof on the first floor?

Mr. Brown stated they thought about changing the roof, but the proportion of the roof to the building was something they liked. He said they would rather take out the 2 courses of block to bring the mass down.

Mrs. Brownfield stated she agreed and felt the carriage house was too large. She also said with regard to the design of the carriage house was there any thought given to Hardi-plank.

Mr. Brown stated they thought about different materials for the project. He said they were trying to keep with the house as well as the area.

Mrs. Brownfield stated so that it was reflective of the neighborhood more than it was of the house to which it belonged.

Mr. Brown stated yes.

Mrs. Reiter asked if the shutters would be recessed?

Mr. Brown stated yes, 3 inches.

HDBR Action: Mr. Meyerhoff made a motion that the Savannah Historic Board of Review approve the petition as amended to delete two courses of concrete block (16”) from the height, recess the windows 3”, and add a horizontal band to the shutters. Mr. Deering seconded the motion and it was unanimously passed.

RE: Petition of Gunn, Meyerhoff, & Shay
Patrick Shay
HBR 04-3317-2
11 – 21 West York Street
Alterations

Mr. Meyerhoff recused himself.

Present for the petition was Patrick Shay.

Mr. Webb gave the following Staff report.

The petitioner is requesting approval to make exterior alterations to 11-21 West York Street, which includes the Lindsay and Morgan Building, including replacement of windows and the addition of windows, doors, and balconies.

FINDINGS

The following Standards and Guidelines are applicable:

Section 8-3030(k) Development Standards:

- (1) Preservation of historic structures within the Historic District: An historic structure and any outbuildings, or any appurtenances related thereto visible from a public street or lane, including but not limited to walls, fences, light fixtures, steps, paving, sidewalks, and signs shall only be moved, reconstructed, altered, or maintained in a manner that will preserve the historical and exterior features of the historic structure or appurtenance thereto. For the purposes of this section, exterior architectural features shall include, but not limited to the architectural style, scale, general design, and general arrangement of the exterior of the structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors, and signs.
- (6) Visual Compatibility Factors: New construction and existing buildings and structures and appurtenances thereof in the Historic District which are moved, reconstructed, materially altered, repaired, or changed in color shall be visually compatible with structures, squares, and places to which they are visually related.
- (9) Double glazed (simulated divided light) windows are permitted on non-historic facades and on new construction, provided however, that the windows meet the following standards: the muntin shall be no wider than 7/8"; the muntin profile shall simulate traditional putty glazing; the lower sash shall be wider than the meeting and top rails; extrusions shall be covered with appropriate molding; Snap-in or between-the-glass muntins shall not be used; the centerline of window and door openings shall align vertically; all windows facing a street, exclusive of storefronts, basement and top story windows, shall be rectangular and shall have a vertical to horizontal ratio of not less than 5:3, provided however, nothing precludes an arched window being used. Window sashes shall be inset not less than three inches from the façade of a masonry building. The distance between windows shall not be less than for adjacent historic buildings, nor more than two times the width of the windows. Paired or grouped windows are permitted, provided the individual sashes have a vertical to horizontal ratio of not less than 5:3. Windows shall be constructed of wood or wood clad.
- 11) Balconies, stairs, stoops, porticos, and side porches:
 - a. Wrought iron brackets shall not be used with wood balcony railings.
 - b. Residential balconies shall not extend more than three feet in depth from the face of the building and shall be supported by brackets or other types of architectural support.

DISCUSSION

1. 11-21 West York Street consists of the Lindsay and Morgan Building and the adjacent York Street storefronts. On the York Street/north elevations, the proposed work will consist of refurbishing of all existing wood, double-hung windows, including painting, refurbishing the existing storefronts, and changing an existing, storefront door into a panel, residential appearing door to serve as an entrance to new upper floor condominiums. The new door will have a clear glass transom and sidelights. Staff is

concerned that the proposed new door is more residential in appearance. The current door blends in and is compatible with the commercial storefronts on this building. Staff would recommend not changing this door on this elevation or to use a door that has a more commercial appearance. The Petitioner is exploring other options for this entrance. On the rear annex, new fixed aluminum storefront windows will be placed within existing openings.

2. West elevation: Existing windows on the second floor will be refurbished. On the third floor, two new windows and a French door are proposed. The new windows will be wood, double-hung true divided light. While at this level, the proposed windows will only be slightly visible from a public right-of-way, Staff would ask for the Petitioner to provide the name of the window manufacturer and other window information to ensure that proposed new windows meet the requirements of the ordinance. On the third level of the adjacent building (the Lindsay and Morgan Building), four new openings are proposed, including three new windows with brick soldier lintels, and a new French door with transoms, opening onto a new roof garden. The window openings will be 3' wide and 6'8" tall. It appears that the roof garden will have a railing, but no information was provided on the railing. Staff would also request that the petitioner provide information on the new windows on this level and the roof garden railing.
3. East elevation: Four new clad, double-hung windows are proposed, two on the third and two on the fourth levels. The window openings will be 3' wide and 6'4" tall. Two new balconies are also proposed, one each on the third and fourth levels. The new balconies will be accessed by paired wood French doors with transoms. The new balconies will be 12'4" wide and project 48" from the façade of the building. The balconies will have 42" tall ornamental metal railings with 5/8" square metal pickets at 4 1/2" on center. The balconies will also have metal supports and decking, with metal scroll brackets. While this building was constructed for commercial use, the new use on the upper floors will be residential. Staff would ask the petitioner to consider reducing the depth of the balconies to 3'.
4. South elevation: The three-story annex to the west appears to be non-historic and was added in the late 1950s. According to the Petitioner, the rear of the Lindsay and Morgan building was altered at the same time, to reflect a more industrial appearance. On the annex, the Petitioner is proposing to remove the industrial windows and replace with new clad, double-hung windows with transoms. The eight windows will be paired and will be 7' tall with 4'1" transoms on the second level, and 6' tall with 3'3" transoms on the third level. The paired openings will be 6' wide. Matching brick infill will be used between the pairs of windows. On the first level, existing metal sash windows will be repaired and refurbished. A flush metal overhead garage door will be placed within the existing garage opening. A new masonry stair enclosure will be added at the roof, adjacent to the Lindsay and Morgan building. On the rear of the Lindsay and Morgan building, the petitioner is proposing to remove all the industrial windows on the second, third, and fourth levels and replace with new clad, double-hung windows. The window openings on the second level will be 7' tall with 3'8" transoms and 3'8" wide. The opening on the third and fourth levels will be 6'4" tall and 3'8" wide. The industrial window on the first level will be maintained and refurbished. The existing fire escape will be removed. As with all new windows, Petitioner needs to provide final window manufacturer and details to Staff for review and approval to ensure that the Ordinance requirements are met.

RECOMMENDATION

Staff recommends approval with the following conditions:

- 1) On the front elevation of the Lindsay and Morgan Building, entrance door to condominiums should maintain a commercial appearance.

- 2) All new window and French door manufacturer information be submitted for Staff level review and approval to ensure the window requirements of the ordinance are met.
- 3) Petitioner reduces depth of new balconies to 3'.

Petitioner's Comments:

Mr. Shay stated the owner intended to develop this as a condominium project and that it would also be pursued as a tax credit project, therefore there were three tests before the balconies would be allowed. (1) The Board felt that it would be appropriate, (2) the State Historic Preservation Office felt it would be appropriate, and (3) they would have to obtain the permission of the adjacent owners. He said they would come back to the Board and if it's approved and for some reason SHPO does not like it or the adjacent property owner say they do not want it then the blank façade would have windows in it. If the adjacent property owner were unwilling then it would be problematic to sell the condominiums with the chance that somebody would be given permission in the future to add two stories or more to this façade. In essence, they were in the process of asking the same questions that the Board was asking. He said if the answers come back "no" then it would not happen.

Dr. Caplan stated in previous petitions the Board has discussed the size of balconies and 36" was what the guidelines say. He asked if there was some rationale for wanting to make it 48"?

Mr. Shay stated that was a mistake. He said 3 feet was fine.

Dr. Caplan stated on A.1 (west elevation) on the second level there were arches above the windows which were existing. On the third level they had arches above the two center windows. On the fourth level they had soldier lintels. He asked if they have thought about making the two center ones arched so that they would be symmetric or compatible with the other levels?

Mr. Shay stated what they wanted to do was differentiate between the new openings and the existing historic openings, even though they would very much desire to have more daylight into these sides.

Mr. Deering stated a lot of times buildings in Savannah (one building built next to another building) indicated the time period to which the building was built. He said buildings that had windows on their sides as was being proposed in this project were generally earlier buildings, and later buildings were built without windows on its sides. He said he felt it was inappropriate to add windows to the sides of these buildings (Lindsay Morgan building) because it took away from its commercial character. It was a big commercial building plopped down in an existing block of earlier buildings. He said he felt it seemed to change it.

Mrs. Brownfield stated she agreed. She said she was concerned about 1/1 windows on the front and windows being 2/2 on the back.

Mr. Shay stated two buildings had 2/2 windows and this building which was younger had 1/1. He stated with regard to the entrance, the dilemma was it would be the formal entrance to the condominiums. He said he felt there should be a visual clue from the outside that this was not a retail storefront door. He said what they proposed was just a wood door. However, he felt Staff's comments were correct and that it needed to be something that was clearly different from a typical residential door. He said he would like to work with a metal artist to come up with a door design perhaps out of copper that had a nice pattern, but was solid.

He said with regard to the railings on the roof decks they would match the proposed balconies. Also, the balcony would be shortened from 4 feet to 3 feet. He said as far as the materials on

the windows that they should be wood windows with paint on them. Whereas, the other windows in the replacement windows they would propose those to be clad windows. However, he did not know what manufacturer they would use but would bring it back to Staff. He said what they were here today to do was get the sense of the Board and if they felt they were headed in the right direction it was not a problem for them to continue and come back with details or they could come back to Staff. Frankly, their next step will be to go to SHIPO and see what they say about these things.

Public Comments:

Ms. Cynthia Hunter stated she was more concerned about the windows on the back of this building. She said she assumed the industrial windows were being refurbished and reused. She said she would like to know what the condition of the rest of the windows were to see if they could be maintained. She said the windows seemed to be out of character for this building and she would like to see the industrial windows stay.

Mr. Shay stated the windows were in bad enough condition that they would not be restorable for a residence. The old steel sash windows you would not want to live behind them. He said they proposed to restore those windows in the area that were at the back of the house. He said they also researched and found at least one manufacturer that made replacement industrial sash windows. He said in regard to if they would just save them during their planning for how the building would be subdivided into units these would be the only windows that these particular units would have. The window sills were up about 7 feet above the finished floor. He said not only did they have building code problems because sleeping rooms needed to have windows sills lower than that, but frankly the space did not lend themselves to modern living. So, they decided what they wanted to do was come up with a pattern of windows for the back side.

Mrs. Brownfield asked if it was possible to see umbrellas in the roof top gardens.

Mr. Shay stated he did not think you would be able to see it from Wright Square, but felt you would be able to see from Barnard Street.

Mr. Dirk Hardison (Historic Savannah Foundation) stated HSF was concerned in the same way as Staff with the entrance on the front. He said HSF definitely felt that the commercial and transparent nature of the entry needed to be maintained as it sits very prominently in the front of a historic and very well known commercial storefront. The other aspect that HSF was concerned about were the rear windows. He said it was not considered good practice to force period windows into a more modern building because windows were character defining elements, therefore it changed the character of that building to force it into line with the historic part of the building. Also, the 2/2 windows that were being put into these were actually an older style than the 1/1.

Discussion:

Mr. Deering stated he thought the same thing about the entrance to the condos on York Street and the windows on the rear. He said he liked the more industrial windows and he would guess the 1950's annex that was behind 21 West York. He said regarding the Lindsay Morgan building he thought if they did windows like they proposed on the lane, that they should be 1/1 and not 2/2. He said they might look at some industrial window solution for the York Lane elevation of the old York Lane theater.

Mr. Shay stated those were good suggestions.

Mr. Neely stated in follow up to Mr. Deering's comments about the east and west windows putting windows into these large narrow monolithic slabs just because it was old did not necessarily mean it was good design. He said he understood his point, but on either side (east and west façade) that you were really not going to have vertical construction any time soon. He said adding windows added livability to the unit.

Mrs. Fortson-Waring stated she agreed.

Ms. Seiler stated she would have to echo Mrs. Brownfield's comments. She said she was also concerned about roof gardens. She said she was especially concerned on that visible square where you had no control of what was going to be there and how it would look.

Mr. Shay stated the petitioner would be willing to request a continuance.

HDBR Action: Mrs. Fortson-Waring made a motion that the Savannah Historic Board of Review continue the petition until the next meeting. Mr. Neely seconded the motion and it was unanimously passed.

**RE: Petition of Gunn, Meyerhoff, & Shay
Patrick Shay
HBR 04-3318-2
S.E. Corner of Bay & Jefferson Streets
Alterations**

Mr. Meyerhoff recused himself.

Present for the petition was Patrick Shay.

Mr. Webb gave the following Staff report.

The petitioner is requesting approval to make alterations to the Southeast corner of Bay and Jefferson Streets, including changing an existing doorway to a window and erecting an awning.

FINDINGS

The following Standards and Guidelines are applicable:

Section 8-3030(k) Development Standards:

- (1) Preservation of historic structures within the Historic District: An historic structure and any outbuildings, or any appurtenances related thereto visible from a public street or lane, including but not limited to walls, fences, light fixtures, steps, paving, sidewalks, and signs shall only be moved, reconstructed, altered, or maintained in a manner that will preserve the historical and exterior features of the historic structure or appurtenance thereto. For the purposes of this section, exterior architectural features shall include, but not limited to the architectural style, scale, general design, and general arrangement of the exterior of the structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors, and signs.
- (6) Visual Compatibility Factors: New construction and existing buildings and structures and appurtenances thereof in the Historic District which are moved, reconstructed, materially altered, repaired, or changed in color shall be visually compatible with structures, squares, and places to which they are visually related.

DISCUSSION

1. On the south elevation (lane), existing doors will be replaced with new metal doors with 8" transom bar and a metal louver. New wood casing trims will be installed around the perimeter and the existing wood jamb and head returns will be refurbished and repainted.
2. Also on the south elevation, an existing pair of doors will be replaced with a wood window, and new brick infill below. New matching shutters will be installed.
3. Other existing windows on the first floor of this elevation will be refurbished and finished to match the windows on the upper floors. New matching shutters will also be added to a window on the east elevation.
4. A new awning is proposed for the east elevation to allow for a guest entrance. An existing awning and frame will be replaced with a new canvas awning with the hotel logo "Inn at Ellis Square: a Days Hotel." The new awning will have an 8' clearance from the bottom and will span 28' and project 11' from the building's façade. The petitioner needs to provide the color of the new awning, which can be submitted for a Staff level review.

RECOMMENDATION

Staff recommends approval with the condition that the color of the new awning be submitted for Staff approval.

HDBR Action: Mr. Neely made a motion that the Savannah Historic Board of Review approve the petition as submitted with color to be brought back for staff review. Dr. Caplan seconded the motion and it was unanimously passed.

**RE: Petition of Dawson Wissmach Architects
Neil Dawson
HBR 04-3320-2
212 – 214 East Bay Street
Renovation**

Present for the petition was Matthew Deacon.

Mr. Webb gave the following Staff report.

The petitioner is requesting approval to make alterations to the River Street elevation of 212-214 East Bay Street, including removing existing, non-historic windows and doors and replacing with new doors, and the extension of an existing balcony.

FINDINGS

The following Standards and Guidelines are applicable:

Section 8-3030(k) Development Standards:

- (1) Preservation of historic structures within the Historic District: An historic structure and any outbuildings, or any appurtenances related thereto visible from a public street or lane, including but not limited to walls, fences, light fixtures, steps, paving, sidewalks, and signs shall only be moved, reconstructed, altered, or maintained in a manner that will preserve the historical and exterior features of the historic structure or appurtenance thereto. For the purposes of this section, exterior architectural features shall include, but not limited to the architectural style, scale, general design, and general arrangement of

the exterior of the structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors, and signs.

- (6) Visual Compatibility Factors: New construction and existing buildings and structures and appurtenances thereof in the Historic District which are moved, reconstructed, materially altered, repaired, or changed in color shall be visually compatible with structures, squares, and places to which they are visually related.
- (9) Double glazed (simulated divided light) windows are permitted on non-historic facades and on new construction, provided however, that the windows meet the following standards: the muntin shall be no wider than 7/8"; the muntin profile shall simulate traditional putty glazing; the lower sash shall be wider than the meeting and top rails; extrusions shall be covered with appropriate molding; Snap-in or between-the-glass muntins shall not be used; the centerline of window and door openings shall align vertically; all windows facing a street, exclusive of storefronts, basement and top story windows, shall be rectangular and shall have a vertical to horizontal ratio of not less than 5:3, provided however, nothing precludes an arched window being used. Window sashes shall be inset not less than three inches from the façade of a masonry building. The distance between windows shall not be less than for adjacent historic buildings, nor more than two times the width of the windows. Paired or grouped windows are permitted, provided the individual sashes have a vertical to horizontal ratio of not less than 5:3. Windows shall be constructed of wood or wood clad.

DISCUSSION

1. All the proposed changes will occur on the River Street elevation.
2. On the fourth and fifth levels of the rear façade of the building, the existing non-historic windows and doors will be removed and replaced with new doors by Weathershield Legacy, with true-divided lite transoms. The existing openings will not change in size. Colors will match existing windows on lower levels.
3. The fifth floor balcony will be lengthened to match the width of the balcony on the fourth level. The width will be 33'2"; it will maintain its projection of 4' from the façade of the building. The balcony railing design will remain.

RECOMMENDATION

Staff recommends approval.

Petitioner's Comments:

Mr. Deacon stated they were replacing the non-historic aluminum storefront windows with more appropriate doors with access to the existing and proposed renovated balcony.

Public Comments:

Mr. Dirk Hardison (Historic Savannah Foundation) stated HSF would like for the petitioner to consider instead of one large balcony across the top that the existing middle balcony remain and side balconies added so that there were three balconies across. He said HSF felt that more closely followed the historic pattern on River Street of individual balconies per window.

Discussion:

Mr. Deacon stated the reason they chose a full length balcony across all three of the doors was because the interior of that space was a great room and study. He said they wanted the people using that space to have access to the whole balcony from a single interior space.

Mr. Meyerhoff stated if they were to make those individual balconies instead of a singular one, the division would be less than 2 feet between each balcony. He said the visual impact would still be a balcony going across. He said he did not think it would make that much of a difference visually.

HDBR Action: Ms. Seiler made a motion that the Savannah Historic Board of Review approve the petition as submitted. Mrs. Fortson-Waring seconded the motion and it was unanimously passed.

RE: Request for Extensions

RE: Staff Reviews

1. Petition of Coastal Canvas
Jim Morehouse
HBR 04-3307(S)-2
109 Jefferson Street
Awning
STAFF DECISION: APPROVED
2. Petition of Will Swinney
HBR 04-3308(S)-2
539 / 541 East Taylor Street
Color
STAFF DECISION: APPROVED
3. Petition of Jeffrey Screen
HBR 04-3309(S)-2
33 – 35 East Broad Street
Color
STAFF DECISION: APPROVED
4. Petition of Keir Parrott
HBR 04-3310(S)-2
538 East Gordon Street
Color
STAFF DECISION: APPROVED
5. Petition of Nicole Curreri
HBR 04-3311(S)-2
38 Barnard Street
Color
STAFF DECISION: APPROVED

RE: Other Business

Mr. Neely stated he felt most of the Board had read the articles in the newspaper about 37 M.L.K., Jr., Blvd. and the Board's approval of the demolition of the building at the last meeting. He said he saw an engineering report that indicated the building was structurally sound. He

said he believed the engineering report for the petition from last month indicated that it was not sound. He said he felt that there were probably sections of the building that were sound and sections that were unsound. He said there has been some discussion with the Chairman, Staff, and Parliamentarian as to whether or not a motion for reconsideration would be in order. He said he would like some clarification from the Chairman concerning that matter. He said he felt there were also a number of people here who would like to speak on the issue. He said he would recommend that the Board take a few minutes to hear from the public about the issue and then make some decisions about whether or not it would be legal and in order to make a motion for reconsideration.

Mr. Mitchell stated he was of the opinion that when you have people who want to speak on a contentious issue the Board would not stifle any discussion on the matter. He said anyone who was here and wished to speak, the Board would entertain discussion on it. However, the Board was bound by Robert's Rules of Order and what they were talking about here was a motion to reconsider. The motion should have taken place on the next day and he was sure they had read it. He said he felt they were well beyond that. He said there were some other factors that had come into play outside of what the Board deals with here. He said Ships of the Sea have gotten their permit for demolition, but the Board could discuss it.

Dr. Johnson stated the Board have already taken action on this. He said it seemed to him that anything else on this would be moot. He said he did not feel the Board should be the party hearing the citizens concerns of something that happened last month.

Mrs. Fortson-Waring stated what she felt would be appropriate was the Board would have to move to even discuss a motion to reconsider to have the public come before it. She said if the Board did not want to entertain the public's comments it would not have to. In addition, a motion for reconsideration did not necessarily have to be done the next day. She said it should have been raised according to the Board's procedure at the end of the meeting to be voted on this week. But there was also a motion to rescind a previous action that could be taken. She said she was not recommending that it happen, but that was something also that could remove a prior action. She said you could actually move to rescind without notice according to Robert's Rules. She said she would think that it would be appropriate for the Board to make a motion as to whether or not they wanted to hear it to Dr. Johnson's comments as to whether or not they wanted to hear anymore. She said you may want to hear it, but the Board may not.

Mr. Mitchell stated it did not matter to him. He said it was the Board's decision.

Dr. Caplan stated he was not at the last meeting. He said he looked at the minutes and there were two comments. One from Historic Savannah Foundation relative to the reason they wanted demolition, which was public safety. And the other was somebody who spoke against it who was a student at SCAD. He said he was wondering if there were any other public comments at that time because there did not seem to be a lot of objection to it.

Dr. Johnson stated no.

Mrs. Fortson-Waring stated there were two young women who spoke about the structural integrity of the building. She said she believed that Historic Savannah's representative also made a comment. But there were three people who spoke about the structural integrity of the project in favor of keeping it.

Dr. Johnson stated if they recalled, the two young women who spoke said nothing about the historical factor of that façade and its historical significance.

Ms. Seiler stated she felt that Dr. Johnson raised a good point. She said she felt the Board should discuss whether or not it was necessary to hear from the public today because the action has already been taken by the Board and it was out of their hands at this point.

Mr. Neely stated he felt given the number of people here who clearly has an interest in it and could perhaps shed some light on a confusing situation, he would recommend that the Board take a few minutes to listen to what they have to say.

HDBR Action: **Mr. Neely made a motion that the Savannah Historic Board of Review allow the public to make additional comments at this time about the issue of 37 M.L.K., Jr., Blvd. Mr. Meyerhoff seconded the motion and it was passed 6 - 3. Opposed to the motion was Dr. Caplan, Dr. Johnson, and Ms. Seiler.**

Mr. Meyerhoff stated last month when the Board discussed the demolition of this project he realized, through neglect, the building had deteriorated, the roof had fallen in, and because of its structural loading the side walls had also caved in some. He said he saw the building as being partially demolished and he voted for the demolition. The next day he went back to the site and looked at it and said that was a great front elevation. The building “yes” needed to be demolished, but the front elevation with its two side walls going back far enough to structurally retain the front elevation could be preserved to a point. He said he talked to another member of the Board and told them his feelings before it got into the newspaper. He said he felt like he made a mistake because he voted in favor of it. He said he felt strongly now that if the Board could rehear it or if there was a compromise here in that if they maintain the front elevation that was built in the 1920’s and demolish what was already demolished behind the building that it would be a good compromise.

Mr. Mitchell stated as mentioned there were other issues involved with this that were legal issues where a permit had been secured by Ships of the Sea. He said with respect to that it may very well be a moot point that the Board could not back out.

Mrs. Fortson-Waring stated she did not think that was true. She said she felt the Board could rescind and suffer the legal consequences of rescinding it. Again, she was not advocating that the Board do it, but she did not think it was appropriate to say that they could not.

Dr. Johnson stated since what the Board was doing now was not advertised prior to this were any of the owners of this property present?

Ms. Dolly Chisholm, Attorney, stated yes, but not everyone. She asked the vote that the Board just took was that to hear comments about whether to reconsider or was it to hear from the public again about the substance of the demolition?

Mr. Mitchell stated just to hear public comments.

Ms. Chisholm stated they only had their Director here. She said she did not have the engineer or any of the other members here that they had last time. She asked if they needed to have those people here?

Mr. Mitchell stated he did not think it was necessary because what the Board was doing was to hear the public. He said the Board did not necessarily vote to rescind or reconsider.

Public Comments:

Mr. Ramsey Khalidi stated a point was brought up prior to hearing the comments of the public about Robert's Rules. He said there were two different types of motions. One would be to reconsider and one would be to rescind. He said Chapter 4, paragraph 37 of Robert's Rules clearly allowed the Board to do that. One paragraph that allows the Board to rescind says – "any vote taken by an assembly except those mentioned further on may be rescinded by a majority vote provided notice of the motion been given at the previous meeting or in the call of this meeting or may be rescinded without notice by two-thirds vote or by a vote of the majority of the entire membership. The notice may be given when another question is pending but cannot interrupt a member while speaking. To rescind is an identical to the motion to amend something previously adopted by striking out the entire Bylaw rule, resolution section or paragraph subject to all limitations as to notice and vote that may be placed on the rules of similar amendments."

He further stated that it clearly said votes can be rescinded as one exception. "Votes cannot be rescinded after something has been done as a result of the vote that an assembly cannot undo. Or whether the nature of a contract or another parties informed of that fact."

Mr. Mitchell stated Mr. Khalidi was not the Parliamentarian it was noted that he should not be reading this. He said whatever comments he had to make he could go ahead and make them.

Mr. Khalidi stated he had three comments. 1: Structural integrity. He said before the Board were two other professional engineers reports stating what they felt the condition of the building was both past and present. One of the reports gave a little history to allow the Board to see how the building got to where it was. He said if the Board reviewed the report that Coleman – Kern did, it clearly states "there is a following summary of observation and general recommendations for repair." He said the Board could have looked at that report as well and derive that there was remedy and a remediation plan as well. Even though in the last paragraph they recommend demolition due to several factors that could occur he felt the way to look at that was whether you wanted to demolish it or whether you wanted to keep the structure intact and restore it. He stated from a structural standpoint he felt that was still an open book. He said the other two items would be historical significance to which Dr. Williams will speak and the last would be viability or feasibility of taking this structure. He said he felt when the petitioner bought the property they knew what they were buying. Two years prior to this when SCAD had a plan and drawings done up they at some point were working with SCAD, but it worked out that SCAD sold the property to the very people that had protested that plan. He said he felt a façade of this type and a building of this type, the main part of the building was certainly worthy of high 20th Century industrial architecture. He said the last thing he would like to say was to reserve to speak one more time. Also, the part that collapsed which was considered a public endangerment was essentially a one story addition. He said the Sanborn maps showed that wall was not part of the structure they were addressing at all. He said they also had no objection to demolishing the rear two-thirds of this property.

Dr. Robin Williams (Chair of Architecture History Department at SCAD) stated Savannah was a City that many other American cities looked enviously at for its architectural integrity and historical integrity. He said he did not think we could ever be complacent about that and that was why the Review Board exists. He said there were three ways in which he saw the building as being significant. (1) the typology and its function, (2) its general style, and (3) the particular features of its façade. He said 37 M.L.K., Jr., Blvd. was a fine example of early 20th Century commercial architecture particularly catering to the automobile industry that was disappearing from downtown Savannah. He said by the mid 20th Century the west side of downtown along M.L.K., Jr., Blvd. between Bay Street and Jones Street the first two blocks east of M.L.K along that street accounted for at least 45 automobile related buildings. To give an example of the density of auto related buildings during the mid 20th Century he circled a selection on the map and if you took the three wards to the south of Franklin Ward collectively

there were over 45 automobile related buildings by the turn of the century in this part of downtown Savannah. Almost all of these buildings have disappeared. He said with 37 M.L.K being not only one of the lone survivors one thinks of Dearing Chevrolet that disappeared not to long ago, but it was probably one of the most handsome commercial industrial buildings that existed in this area. He said many of the buildings were filling stations, much more modest buildings. The one in question was not nearly so modest. The progressive demolition of commercial and industrial buildings catering to the automobile threatened to alter and distort the historical record of what downtown Savannah was like for most of the 20th Century. Ironically, in the case of 37 M.L.K, this was no mean building. It was more grandly situated. This building was one of the few in Savannah that closed a vista. One thinks of the Cotton Exchange or City Hall, but these were rare in Savannah and this was one of them. He said it belonged to a period of transition between the highly ornate Victorian architecture and highly simple and abstract post WWII design. The building combined traditional classical design features such as the pilaster like piers, crowning pediment, and overall symmetry, but that were stylized and simplified to appeal to the growing taste for abstract modernism.

Mr. Mitchell stated he needed to keep his presentation to around 5 minutes.

Dr. Williams stated referring to the stylized quality that the façade, particularly if you looked at the limestone capital-like features, they were not formal capitals in the traditional classical sense, but they evoked that role. The building also reflected a willingness to experiment with new or unusual building materials. Particularly, the square prismatic glass panes that run across the top of the two main ground floor shop windows as well as above the entrance canopy where they still were visible from the exterior. The other two panels were still intact, but covered up by some kind of exterior cladding but were still there. Leading architects and builders of the time utilized these kinds of prismatic glass panes to illuminate the interior by means of diffused sunlight as an alternative to electricity. He said this was characteristic of many buildings in the early 20th Century, but in Savannah only a very few buildings like this survived using this kind of material. Also, unusual was the surviving industrial sash although it was not original. Originally, the windows were wooden. He said the series of windows that survive on the façade depending on how feasible it was to restore those would be recommended to save assuming the building or the façade was saved.

He further stated one last way one could say the building was unique was that on the façade of the building there was a limestone plaque that marked the spot where a cannonball had punctured the previous building which was known as the cannonball house. He said he did not know of any other instance where the action taken to one building was commemorated in a subsequent building in this manner. He said if nothing else it was idiosyncratic and obviously a part of the building that was worthy of preservation.

Ms. Cynthia Hunter stated she spoke at the last meeting. She said she did not have much more to add to what she said last month other than apparently something can be changed about the decision the Board made. She urged the Board to make that decision if it was able to be changed. She said from her report that she did at school there were three original walls that still remained standing. Also, she believed there were three additions to that building through out its history. One of those additions being very early (1920) and she believed that addition was the wall that collapsed into the Ships of the Sea garden and not one of the three original walls that still do remain standing. She said the structural engineer report that was submitted last month said that the building was unstable. She said that was one professional opinion. She said she believed that Mr. Neely said that he read one that said it was stable. And apparently there have been more presented to the Board today. She said she was a recent graduate and her opinion was just her opinion. However, there were professionals that have written through their experience that the building was salvageable.

Mr. Joe Sasseen stated he was present last month but remained quiet because the news media was present. He said he talked to the Board subsequent to that time and told them right after the meeting they made a horrible mistake. But he did not want to raise a bru ha ha at the time and it was probably too late today. He said he felt what needed to be done was somewhere down the line this rush to judgement because you had one group that came with their architect that fed the Board a bunch of bologna that the building was about to fall down and the Board bought it. He said they came with their architect and told the Board that this building was about to collapse and the Board said “okay” tear it down, which the Board felt they were doing the right thing at the time. He said he felt the Board was mislead. He said the building apparently judging from other people can be saved...

Mr. Mitchell stated it has been stated that the Board did not allow SCAD to do the rehab on that building that they requested. He said that was not the case. He said SCAD petitioned the Board and Staff recommended approval to do it, but they withdrew their petition to do it.

Mr. Meyerhoff stated he did not say while he voted for demolition last month that he felt at this point the Board should rescind the demolition. He said what he said was that while he voted for the demolition last month he felt at this point that there could be a compromise in saving the front east elevation with the owner’s permission and acknowledgement.

Ms. Dolly Chisholm, Attorney, stated she wanted to clarify that the Ships of the Sea was working with SCAD and it was a height/mass issue prior to the withdrawal of that motion. Also, she wanted to reiterate the fact that the late Chairman of the Board of Trustees for the Ships of the Sea was Mills Lane, IV, and he was not in the business of demolishing buildings. He was in the business of preservation and the current Trustees felt the same way and had taken his mission to heart. She said this has been a very difficult situation for the current Trustees because of that feeling. She said they have taken great pains to consult numerous people to make sure they were doing the right thing. She said it has come down to a liability, safety, and feasibility situation. She said Mr. Sassen pointed out that the engineer’s report was false, but she did not know how he could say that without coming back with some sort of statement showing how it was false. She said she also understood there was another engineer – Hunter Saussy who also went and looked at it and his opinion was the same as Kern Coleman’s and it was done on behalf of the team that wanted to save it and therefore, has not been put into the record.

Lastly, she would like to read the letter from Mr. Hutton, City of Savannah, dated December 22, 2004.

“This letter concurs with your structural assessment of the building on 37 Martin Luther King, Blvd. that it poses a life safety concern to the public and an immediate danger of unwarranted liability to the owner. The Inspections Department recommends that the immediate demolition take place. We understand the Savannah’s Historic Review Board was also agreeable to this action.”

Ms. Chisholm stated she just wanted the Board to know the severity of what was at stake at this point and the fact that they were not in the business of demolishing buildings, but took great efforts in calling people to look at it to make sure that it could not be saved.

Mrs. Fortson-Waring asked had some part of the Board’s order been acted upon by her client?

Ms. Chisholm stated yes, they have started the demolition and were stopped.

Mrs. Fortson-Waring asked if there was some part of the order that has not been acted upon?

Ms. Chisholm stated they started the demolition and then a week from last Friday Mr. Khalidi filed a petition in Superior Court. She said they went before Judge Abbott the following Tuesday and she issued a temporary restraining order until they could have a hearing as to the evidence of whether Mr. Khalidi had standing or whether he was an aggrieved party so as to be able to bring that in court. She said that hearing would not be addressed until January 25, 2005.

Mrs. Fortson-Waring asked if Mr. Meyerhoff's concern about the front if it had been demolished?

Ms. Chisholm stated no.

Mrs. Fortson-Waring stated so that part of the order has not been executed?

Ms. Chisholm stated that was correct.

Mr. Dan Snyder, Architect, stated he felt there was one point that really needed to be emphasized in all of this because it affected all of their work. He said that was the new codes required that buildings be brought up to those codes. Now, in the City of Savannah they have to address hurricane issues that were unlike 2 years ago, seismic issues, the windows have to be certified and so forth. He said there was an exemption in the building code for historic buildings and that was what allowed you to accept windows that were already there and issues like that. He said at the Board meeting it indicated that National Park Service will agree to saying a building is historic, but it must have walls and a roof. He said that was what protected the buildings in the Historic District and at that point they could repair windows and they did not have to be certified and you could continue with a more regular and normal historic preservation of those buildings. If you did not have that protection where the National Park Service says this is a historic building, you have to go back and build the building to all of the requirements of the code. He said that was his point in last month's meeting. He said none of the windows, doors, all of the leaded glass no longer complied and it would not be restorable. He said all you would have on the east façade was a brick outline and it was so unfortunate that was the reality of this. He said had the previous owner preserved a roof they would not be in this position. But people were asking that a fragment be preserved, which would be an outline with four kind of nice art deco capitals but all of the other stuff would be new because it has to have the certification. He said he felt they were at a very sad place today and it was unfortunate and that was why the Ships of Sea has asked for this petition.

Mr. Lee Webb stated he felt part of his role as staff to the Review Board was to provide the Board with sound preservation guidance. He said to clarify what Mr. Snyder said, the Internal Revenue Service defined a building as having four walls and a roof. The National Park Service (NPS) defined a building as having the majority of the exterior walls in place. He said there was some discrepancy about how much roof. He said his preservation training would lead him to think that the IRS and NPS would say that you do not even have a building here anymore. Secondly, the issue of regarding just saving the façade, the NPS discouraged what they called "facadedomy" where you just maintained the front façade and demolished the remainder of the building. He said that became a standard practice probably in 1960's and 1970's and if you go through certain areas like Boston or Washington, DC you would see that. He said it was not sound preservation practice to have just a front façade with a brand new building behind it. Also, this building was not in the Savannah Landmark District. It was in the local Historic District, but their boundary for the Savannah Landmark District was the centerline of M.L.K, Jr. The NPS spent 3 years or 4 years examining changing the boundary and their character significance for their Landmark District. He said they (NPS) have chosen not to extend the boundary, therefore this building was outside the boundary of the Savannah Landmark District.

He said to his knowledge it has never been identified by SHPO or the Park Service as an extreme representation of this type of architectural style. He said he felt the Board just needed to be aware of that as well.

Dr. Caplan stated he was not at the previous meeting. He said he did not know how he would have voted, but he liked to preserve buildings. He said he was concerned about a very dangerous precedent here in spite of the comments from Mr. Sasseen and others the Board does have procedures and guidelines. He said its advertised in the paper. He was also told that signs are appropriately placed, so had there been objection, the objection rightly should have been stated last month. He said he congratulates Ms. Hunter because she was the only one who did her job. He said if Historic Savannah Foundation had felt strongly about it from what he read in the minutes they only said they wanted to make sure it was understood that the demolition occurred because of public safety. Mr. Sasseen who is a dear friend did not say a word, but has said a lot since then. He said what the Board was doing was responding ex post facto to an action that was perfectly legitimate. He said he was afraid that if the Board acts on this then from now on they will be inundated with reconsiderations because the public or Historic Savannah or somebody did not do their job by looking at the advertisement or the signs on the buildings and give their objections at that time. He said the Board did not have staff or money to go out and get a report on every building that may be demolished, so they have to depend upon what's presented to them. He said if there is an exception to that and somebody does not like it then let them present that exception at that time. He said the Board was doing something ex post facto that was inappropriate and dangerous.

Mrs. Fortson-Waring stated she disagreed with Dr. Caplan. She said she felt what he was stating was not correct or out-of-order. He said the Board was governed by Robert's Rules, which clearly state that prior actions can be rescinded. She said the Board was not doing something that was not appropriate, particularly where it said when something has been done as a result of the vote on the main motion that was impossible to undo, the Board could not rescind, but an unexecuted part of an order could be rescinded. Again, whether or not the Board chose to do it was up to them, but she did not think it help to say it was not appropriate. She said that was what Robert's Rules were for. She said if there was a time to change and correct a bad decision then it ought to be done and the Board should step up to the plate.

Mr. Ramsay Khalidi stated he spoke to Dan Vivian, NPS's Registrar who is in charge of nominations and so forth. He said he clearly stated, which also included William Scarborough House if this building was not in the District neither was Ships of the Sea. Clearly, there position and they were revising their criteria and have been inundated with 20th Century building problem country wide and Savannah was the model. He said he felt if the building is demolished Savannah would look pretty bad. He further stated that Internal Revenue Service's definition of a building has nothing to do with the issue. The tax act of 1981 and revised in 1986 clearly stated that if 75 percent of the exterior existing walls remained it was considered and was eligible to do a tax credit which was the regulation of the National Park Service. He said he felt the Board could use that criteria to determine whether there was a historic building here or not. He said in regard to posting the first thing on the agenda for today's meeting is Sign Posting. Clearly, and he talked to Tom Todaro within five days of this, the posting was incorrect. He said this was how the building was posted. And the age of 53 with his bifocals he could not see it. He said those were the dimensions from eye level and 10 feet. The sign was 7 X 7 to the middle of the centerline where it said demolition and it was 17 feet from the street, which was not in compliance with the ordinance on the north elevation the posting was 8'-3" height and almost 80 feet from the right-of-way. The ordinance says 10 feet from the right-of-way. Ironically, the rear sign posting was 10 feet from the street and eye level (faced Yamacraw Village). He said he felt whoever posted this property probably knew the regulation which was interesting to him.

He further stated there were two issues: standing or being an aggrieved petitioner. He said a building that he just purchased was in Franklin Ward and Ships of the Sea's new property was in Franklin Ward, therefore he was aggrieved. He said he was aggrieved because Mrs. Reiter's own findings on one of the buildings at 322 West Broughton recommended that the 1912 industrial modifications be maintained. He said that was an 1854 building and maybe he will come before the Board in another month, if all industrial modifications were going to be expunged from City of Savannah he was going to come back next time he was going to get two four story high stoops and wipe out everything that currently made that building special that he just bought. He said he felt it was important if they were going to address 20th Century alterations. He said in regard to the demolition it was not true because they did not have a building permit and they have not started any demolition. He said they were putting up a wall. He said as Mrs. Fortson-Waring said unless there were irreversible repercussions and there have not been, the City Manager and Inspections Department has full right to issue a red tag on this property until it could be voted on again by the Board.

Ms. Chisholm, Attorney, stated there was posting on the front of the building on M.L.K, which the building line next to the sidewalk is the right-of-way so that it was within the 10 feet on the front of the building which was where SCAD posted all of their signs when they came to the Board. Also, it was on the side of the building, but because there is a large dirt parking lot that was now roped off they had to post it on the building and it might have been a little bit farther but you could see it and it was also posted in the back. She said it was posted in three places and absolutely within the 10 foot right-of-way in two and they checked it everyday to make sure that it was never taken down.

Mr. Mitchell stated he saw the signs posted.

Ms. Ellen Harris stated she had also spoken at the meeting last month asking the Board to deny the petition for demolition based on the aesthetic and historical integrity of the building. She said she would ask the Board to rescind their decision. She also stated in regard to the definition of a building based on the National Park Service and IRS it was her understanding that the IRS almost always defers to the National Park Service as to the definition of a building. In this case, 75 percent of the walls were standing on the original building and by their definition it would appear and since NPS has not been asked she felt it was a valid point that they have not said it was not a building. She said it seemed clear that they would consider it a building. She said she also observed after public discussion last month during the Board discussion it was brought up that the current owner's motives and the future use was taken into consideration by the Board in granting a demolition permit. She said she felt that should not be a factor in the decision to destroy a historic building.

Mr. Paul Robinson stated it mystified him to understand why the hue and cry always seemed to go up from preservationist in this community when other buildings have been threatened to be demolished or certain modern architecture is proposed to be placed in a space that some other building way back when was demolished. Yet, here we have a Board who has granted permission to a non-profit museum to destroy part of our history. He said he would admit that perhaps there was some structural damage there. But if you go to Charleston, SC back when the Omni was developed the worst case type of thing they kept the façade of three or four buildings and it was very expensive to do that. He said Savannah should be the stewards of our architecture here and protect things like this. He said whatever their development was going to be there was no reason that they could not retain this structure reinforcing it and incorporating it into whatever their development is going to be.

Mr. Snyder, Architect, stated with that issue on as a code issue and it was the Inspections Department who determines the interpretation of the code. He said the Inspections Department uses the National Park Service as their source for defining historic buildings. So, whatever the National Park Service and how they define it that was how the Inspections Department used it. He said they had to write to the National Park Service on a building that was outside of the Historic District to get them to say “yes” this was a historic building in order for them to get around that part of the code. He said it did not really matter what IRS said, but what mattered was what the Inspections Department and their relationship with the National Park Service.

Mr. Albert Wall stated this was his sixth hour in listening to this discussion. He said he first heard of it as a new member of the Architectural Review Committee of Historic Savannah Foundation whose opinion at the meeting was there was some merit in trying to save it and that it probably would be a tremendously bad precedent to come out with a recommendation to demolish because another use was preferred for the site. He said that opinion, which was of concern to him did not make it to the Board the next day. He said he felt this was an example of not playing with a full deck across the Board. It has never been stated in his presence what Ships of the Sea wants to do with the building. But it was obvious to him that there were a lot of behind the scene phone calls between the Tuesday of the Architectural Review Committee meeting and the Board meeting.

Mr. Neely stated since he made the motion to open this further discussion he would like to observe that he felt uncomfortable that the Board was perhaps going to take an action for which there has not been full and complete notice to the public. He said he felt both sides of the issue would have benefited by a wider notice for this discussion. In an ideal world he would like to continue the issue until another meeting where it was properly posted, but he did not believe they could do that. He said if the Board took no action today presumably the petitioner could go ahead and demolish the building and the issue would become moot. He asked if the Board passed a motion to rescind would it have any affect at all or could it prevent the petitioner from following through with their building permit? He said he felt that was a parliamentary question.

Mrs. Fortson-Waring stated if a motion to rescind the unexecuted part of the order that was approved last month were passed by 2/3 of this body that did not mean that at a future date the body could not hear the petition and still vote to demolish the property. She said she believed that what it did was rescind the action that this Board took that has not been acted upon. She said it would be her opinion that it could still then be presented. She said it was not real clear and she felt it could be considered and continued.

Mr. Neely stated he would love to hear the petitioner say we are not going to demolish the building, but they were not going to step forward right now and say that.

Ms. Seiler stated she felt there were some people on the Board who were not in on any of the phone calls and were happy with the decision that they made and made it wisely after doing their homework, after visiting the property, after doing what they were supposed to do and studied everything and have no intention of recalling their vote. She said she felt the Board should not even be entering in this discussion.

HDBR Action: Mr. Neely made a motion that the Savannah Historic Board of Review rescind the unexecuted portion of the approval from last month.

Mrs. Fortson-Waring amended the motion as to HBR 04-3300-2 that was approved at last month’s meeting.

Dr. Caplan asked if she said something about having to advertise from the rules and that you have to do this the month following.

Mrs. Fortson-Waring stated no, that was a reconsideration. She said what Mr. Neely was doing was rescinding. She said it would take 7 votes to approve the motion to rescind as to the part that has not been acted upon. The part that has not been acted upon then could be published and the Board could hear it next month.

HDBR Action: Mr. Deering seconded the motion. In favor of the motion was Mr. Neely, Mr. Deering, Mrs. Fortson-Waring, and Mr. Meyerhoff. Opposed to the motion were Dr. Johnson, Ms. Seiler, Ms. Brownfield, and Mr. Gay. Abstaining from the motion was Dr. Caplan. The motion was defeated.

**RE: Work Performed Without Certificate
Of Appropriateness**

Mrs. Reiter stated she wanted to report that the Sorry Charlies sign on St. Julian was approved by the Board on September 10, 2003.

Mr. Gay stated the T.V.'s at Sorry Charlies were still hanging up on the outside.

Mrs. Reiter stated they were given a time limit, but they will be taken down.

RE: Report on Items Deferred to Staff

RE: Notices, Proclamations & Acknowledgements

RE: Other Business

RE: Minutes

1. Approval of Regular Meeting Minutes – December 8, 2004

Mrs. Brownfield stated in her comment on page 12 it should say **demolition** instead of demolish.

HDBR Action: Mr. Meyerhoff made a motion that the Savannah Historic Board of Review approve the minutes of December 8, 2004 as corrected. Ms. Seiler seconded the motion and it was unanimously passed.

RE: Adjournment

There being no further business to come before the Historic District Board of Review the meeting was adjourned approximately 4:45 p.m.

Respectfully submitted,

Beth Reiter,
Preservation Officer

BR:ca