



Architectural Review Board
September 16, 2026

Agenda Item #3

Application 2026-39-CA

DETAILS

Location:

Parcels R022906400011143/R022906400011142
(159 St. Emanuel Street)

Summary of Request:

- Construct a 6'-0" H wood fence and 7'-4" H masonry wall to enclose vacant lots adjacent to the Fort Conde Inn

Applicant (as applicable):

Douglas Kearley/Forte Conde Restoration
Venture LLC

Property Owner:

City of Mobile

Historic District:

Church Street East

Classification:

Vacant Lot

Summary of Analysis:

- The two subject parcels have been vacant lots since 1967-1969 and were established as a gravel parking area sometime between 2006-2009.
- The proposed materials for the fence and masonry wall are in compliance with the *Guidelines*.
- The *Guidelines* do not specify what considerations should be given for privacy fences located on a corner lot, nor do they provide parameters for masonry walls.
- The property is located within the Downtown Development District. The project has been reviewed by the Consolidated Review Committee (CRC)

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PROPERTY AND APPLICATION HISTORY

Church Street East Historic District was initially listed in the National Register in 1971 under Criteria A (historic significance) and C (architectural significance) for its local significance in the areas of architecture, education, and urban planning. The district is significant for its concentration of multiple 19th century architectural styles and because it encompasses the site of Mobile in the early 1700s. The district boundaries were expanded in 1984 and 2005.

The two parcels proposed for redevelopment are currently being used as a parking area. The two lots first appear on the 1885 Sanborn Fire Insurance Map where 3527 St. Emanuel, a two-and-a-half-floor dwelling, was located on the corner of St. Emanuel Street and Theatre Street. The address for the dwelling was changed to 201 St. Emanuel on the 1891 Sanborn Map. The 1904 Sanborn Map shows significant changes showing three new dwellings replacing the previous dwelling. 103 St Emanuel Street was a single-story square dwelling with no setback from the street; 200 Theatre Street was a single-story dwelling with a full-width front porch and wing; 202 Theatre Street was a single-story dwelling with a full-width front porch and wing. The 1924 Sanborn Map these three dwellings had been replaced with two dwellings that both had two-stories with 161 St Emanuel Street having a full-width two-story front porch and 159 St. Emanuel having a full width single-story front porch. Little change is seen until the Historic Aerials shows that 161 St. Emanuel and 159 St. Emanuel were demolished sometime between 1967 and 1969. The two parcels were maintained as a grass lot until sometime between 2006 and 2009 when gravel was added, establishing the parking area.

There is no record of this property appearing before the Architectural Review Board.

SCOPE OF WORK

1. Along St. Emanuel Street
 - a. Construct a 7'-4" H brick façade screen with brick piers measuring 8'-0" H regularly spaced along the elevation
 - b. Install a pair of 5'-0" H wood gates with radiused top which will span 10'-0" across the elevation and be flanked by 1'-4" wide brick piers
 - c. The brick screen will run 74.71' N/S and will sit 23 – 4" east of the existing sidewalk along St. Emanuel Street
2. Along Theatre Street
 - a. Construct a 6'-0" wood fence with wood posts
 - b. Construct 12'x12" masonry piers with washed cement caps at regular intervals along the elevation
 - c. The wood fence will run 122.02' E/W and will sit 6'-0" south of the exiting sidewalk along Theater Street
3. Along the east (rear)property line
 - a. Install a 6'-0" H wood fence with wood posts
 - b. The wood would be installed horizontally
 - c. The horizontal wood fence will run 74.04' N/S

APPLICABLE STANDARDS

- 10.2 Design a fence to be compatible with the architectural style of the house and existing fences in the neighborhood.
 - Install a painted wood picket fence.
 - Install a simple wood or wire fence. Heights of wooden picket fences are ordinarily restricted to 36". Consideration for up to 48," depending on the location of the fence, shall be given. A variance might be required. Staff can advise and assist applicants with regard to a variance. If combined with a wall, the total vertical dimension of the wall and fence collectively should not exceed 36," or in some cases 48".
 - For surface parking areas associated with commercial uses, size a perimeter parking area fence to not exceed 48" in height.
 - Install a cast-iron or other metal fence not exceeding 48" in height if located in the front yard.
 - Install a fence that uses alternative materials that have a very similar look and feel to wood, proven durability, matte finish and an accurate scale and proportion of components.
 - Face the finished side of a fence toward the public right-of-way. Based on the chosen fence material, use proportions, heights, elements and levels of opacity similar to those of similar material and style seen in the historic district.
 - REAR AND NON-CORNER SIDE FENCES (LOCATED BEHIND THE FRONT BUILDING PLANE)
 - Design a fence located behind the front building plane to not exceed 72" in height. If the subject property abuts a multi-family residential or commercial property, a fence up to 96" will be considered.
 - An alternative fence material with proven durability, matte finish and an accurate scale and proportion of components is acceptable. A simple wood-and-wire fence is acceptable provided it is appropriate to the style of the house.
- ACCEPTABLE FENCE MATERIALS
 - Materials that have a similar character, durability and finish to those of fences of historic properties in the district are acceptable. These often include:
 - Wood picket
 - Wood slat
 - Wood lattice
 - Iron or steel
 - Historically appropriate wire fences
 - Aluminum that appears similar to iron
- UNACCEPTABLE FENCE MATERIALS
 - Materials that do not have a similar character, durability and finish to those of fences of historic properties in the district are unacceptable. These often include:
 - Chain link
 - Stockade
 - Post and rail
 - Masonite
 - PVC
 - Plywood or asbestos paneling
 - Razor wire
 - Barbed wire

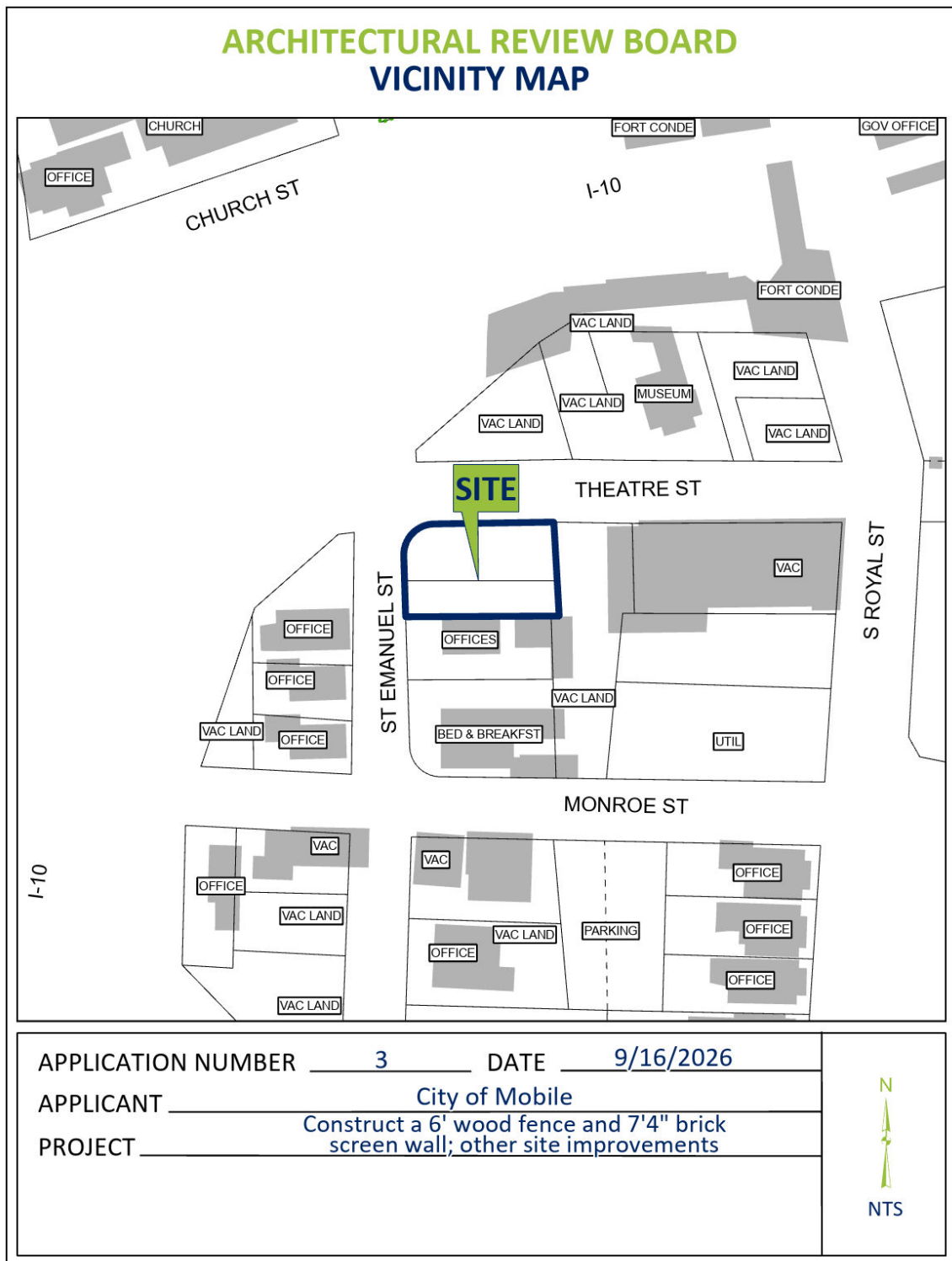
STAFF ANALYSIS

The subject parcels located at the corner of St. Emanuel and Theater Streets are owned by the City of Mobile and appear to have been established as a parking area sometime between 2006 and 2009. The subject proposed project includes the installation of an 8' privacy fence to enclose the area N of 163 St Emanuel Street to establish a pool/sauna/spa which will be associated with Forte Conde Inn.

Section 10.2 of the *Design Guidelines* state, "Design a fence to be compatible with the architectural style of the house and existing fences in the neighborhood" The subject application proposes development for two parcels that currently do not have extant structures. The submitted site plan shows that the fence would establish the two subject parcels as a side yard for the historic structure at 163 St. Emanuel Street. If interpreted as a side yard, the location of the fence complies with the *Guidelines*. The proposed 6' fence height is in compliance with the *Guidelines*. The *Guidelines* do not provide any height parameters for masonry walls.

All materials for the proposed enclosure are approved under the *Guidelines* and are compatible with the surrounding district. The horizontal arrangement of the fence proposed for the east (rear) end of the property is more contemporary in design. However, it is minimally visible from the street. Masonry walls, though not all historic, are a common feature in the immediate vicinity and can also be seen further afield in the Church Street East Historic District.

SITE LOCATION- 159 St Emanuel Street



SITE PHOTOS- 159 St Emanuel Street



1. Subject parcels, Looking E.



2. Subject parcels, looking S.



3. Subject parcels, looking W.



Subject parcels and Theatre Street, looking SE.



5. East façade of 163 St Emanuel Street



6. East façade of 163 St Emanuel Street and subject parcels, looking N.

SITE PHOTOS- 159 St Emanuel Street



7. 104 Theatre Street and masonry wall, looking N.



8. Masonry wall surrounding Fort Conde, looking N from Theatre Street.

Architectural Review Board Application

For Proposed Work in Mobile's Historic Districts

Date of Application: 15 August 2026_____ Date Received: _____

Address of Property 159 St. Emanuel Street_____

Cost of Project (Required): \$125,000 Fee Paid: ☐ \$_____ Check #:_____

Name of Owner: David Posner

Director of Operations/Owner
Fort Conde Restoration Venture LLC
Fort Conde Inn
Bistro Saint Emanuel
165 Saint Emanuel Street
Mobile, AL 36002
845.802.6482

posnerdave@hotmail.com

Owner's Representative Name: Douglas Kearley

Business Name Douglas Burtu Kearley, Architect, Inc.

Address: 10 Wisteria Avenue Mobile 36607

Email: dbkearley@aol.com Telephone: 251-473-7553

Other Contact Information: mobile 251-421-0385

Along Theater Street Construct a 6'-0" high wood fence with wood posts, a 3'-0" gate with several 12"x 12" masonry piers with washed cement caps to enclose a proposed pool/ spa/ sauna area (not in this application) in existing gravel surfaced parking lot. Along St. Emanuel

SEE NEXT PAGE

Street construct a 7'-4" high brick façade screen wall with 8'-0" high 16" square brick piers and (2) 5'-0" x 8'-0" high wood gates. Along East side, construct a 6'-0" high wood fence with horizontal wood and wood posts.

Does the work involve demolition of a structure? ☒ **No** ☐ **Yes**, attach a Demolition Application.

Does the proposed work involve signage? ☒ **No** ☐ **Yes**, attach a Sign Application.

Will the proposed work require the removal of any trees from the site? ☒ **No** ☐ **Yes**

If yes, attach a detailed site plan showing all trees and landscaping that will be removed and contact the Urban Forester at 208-7091 for Tree Permitting Requirements.

- **Attach two (2) sets of plans: one large scale set and one 11"x17" reproducible set,**
- **Also attach one set of photographs to the application.**
- **If available, electronic plans should also be submitted as a TIFF or PDF.**

A \$15 application fee is due upon filing. Check should be made out to the City of Mobile.

Refer to the following Checklist for requirements for specific work items to be performed. Refer to the Review Board Guidelines for assistance with appropriate treatment for structures in Mobile's Historic Districts. Staff is available to assist with application preparation. For large projects, such as new construction or substantial additions or renovations, consultation with staff is strongly encouraged. Unless an applicant asks the staff to review an application upon submittal, the application will not be examined until after the agenda deadline. Any incomplete applications may be held until all information is submitted.

Staff Reports: The MHDC Staff will review your application and generate reports that will be placed with the agenda on the web site one week before the meeting. These may be found at <http://www.mobilehd.org/meetings.php>. Please examine these and be prepared to discuss any issues at the Board meetings. Questions before the meeting should be addressed to the staff of the MHDC.

Alterations to Approved Plans: A new application must be submitted for changes to the approved plan. Minor alterations may be approvable by staff.

Historic Markers: The Architectural Review Board examines applications based on its adopted guidelines for historic preservation. These are based on a minimal standard set by the City and the State. Historic markers are awarded by the Mobile Historic Development Commission based on a higher standard of review. Approval by the ARB does not guarantee approval for a historic marker. If the desire is to qualify for a marker, please inform the Board and it will attempt to guide you toward the higher goal.

Conflicts of Interest: ARB members sit as a quasi-judicial body. All its deliberations must be made in an open meeting. It is illegal for a Board member to discuss an application outside of a meeting with anyone but staff. Conflicts of interest, if any, will be disclosed at the meeting.

Public Notice: A sign will be placed in a conspicuous location on the property prior to the Review Board meeting to notify surrounding property owners of a pending application. Attendance at the meeting is strongly advised in order for the applicant to respond to any questions.

SEE NEXT PAGE

- For demolition of existing structures, either historic or non-historic, submit a Demolition Application.
- For Signage Requests, submit a Sign Application.
- For removal of trees, contact the Urban Forester.

NOTE: INCOMPLETE APPLICATIONS WILL NOT BE PLACED ON THE AGENDA Use the Following Checklist to Ensure a Complete Application
Complete each box that applies

NEW CONSTRUCTION, ADDITIONS, OR EXTENSIVE RENOVATION/REPAIR TO EXISTING STRUCTURES

1. One large set and one 11 x 17 (reproducible) set of scaled drawings which shall include:

- _____ A complete site plan illustrating the proposed construction, its location, with dimensions, required setbacks, landscaping and other site amenities;
- _____ Floor plans, with dimensions, as they impact the exterior of the building, including existing plan and proposed plan;
- _____ Square footage of the original building with square footage of all additions including the proposed addition;
- _____ A drawing, with dimensions, of all affected exterior elevations;
- _____ Notes describing all exterior materials (i.e. walls, roof, trim, cornice, windows, etc.) Sample materials may be required in some cases (consult with staff);
- _____ Detailed drawings or photographs of all decorative architectural details (i.e. columns, balustrades, modillions, etc.);
- _____ Paint samples and plan keyed to location of each color. (See below)

2. Photographs of the subject property to be worked on and surrounding buildings are required.

- _____ Subject Property photographs
 _____ Surrounding Buildings photographs

FOR MINOR RENOVATION OR REPAIR TO EXISTING BUILDINGS

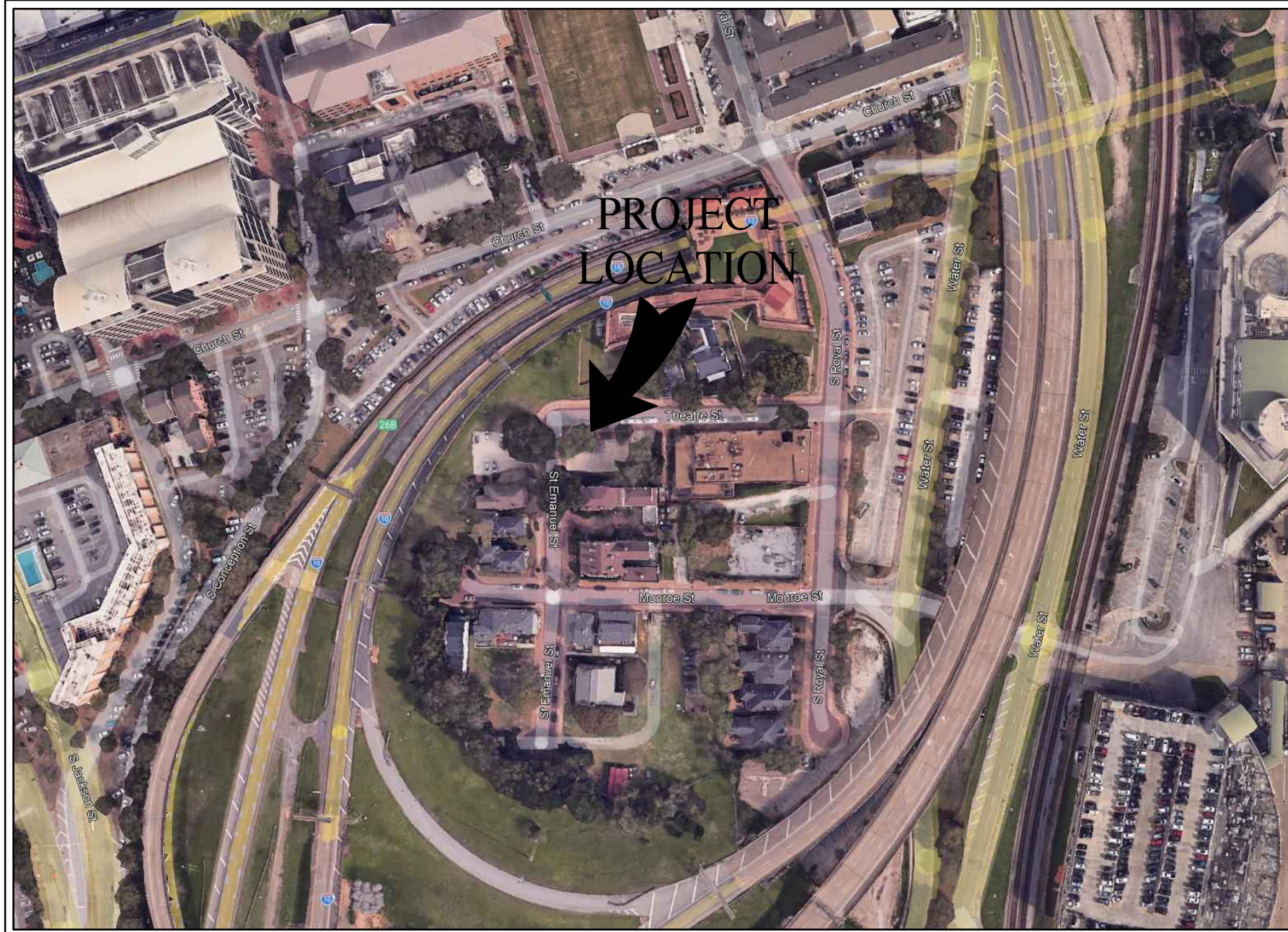
For work which includes changes to the exterior of existing buildings, the following is required:

1. _____ Elevation drawings
2. _____ Floor plans
3. _____ Photographs of each face of the building to be renovated with details of the areas of work.

SEE NEXT PAGE

159 ST. EMANUEL ST.

MOBILE, ALABAMA 36602



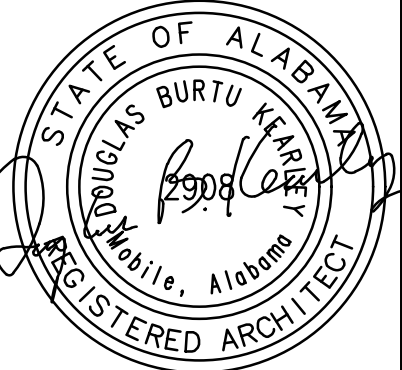
INDEX OF DRAWINGS	
T-1	TITLE SHEET, INDEX TO DRAWINGS
C-1	SITE SURVEY
A-1	SITE PLAN - DEMOLITION
A-2	ARCHITECTURAL SITE PLAN
A-3	SECTIONS AND ELEVATIONS
A-4	DETAILS

Douglas B. Kearley, Architect, Inc.
Ten Wisteria Avenue
Mobile, Alabama 36607
Telephone: 251-473-7553

A STREET SCREEN AND OTHER IMPROVEMENTS FOR
159 ST. EMANUEL ST.
MOBILE, ALABAMA 36602

JOB NO:	2609
DWG BY:	HEUBACH
REVISIONS:	

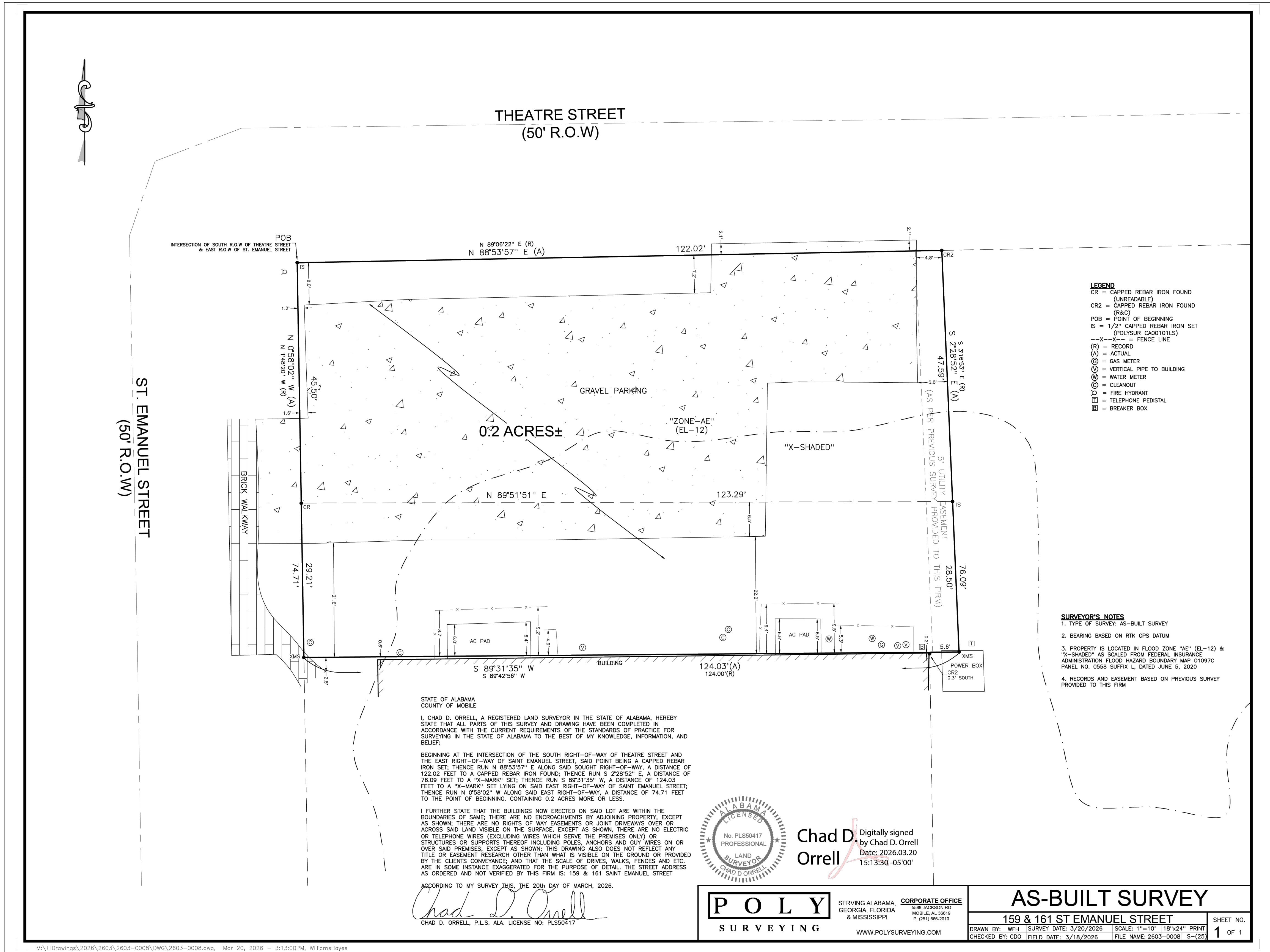
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T-1

SHEET OF



SITE SURVEY - EXISTING
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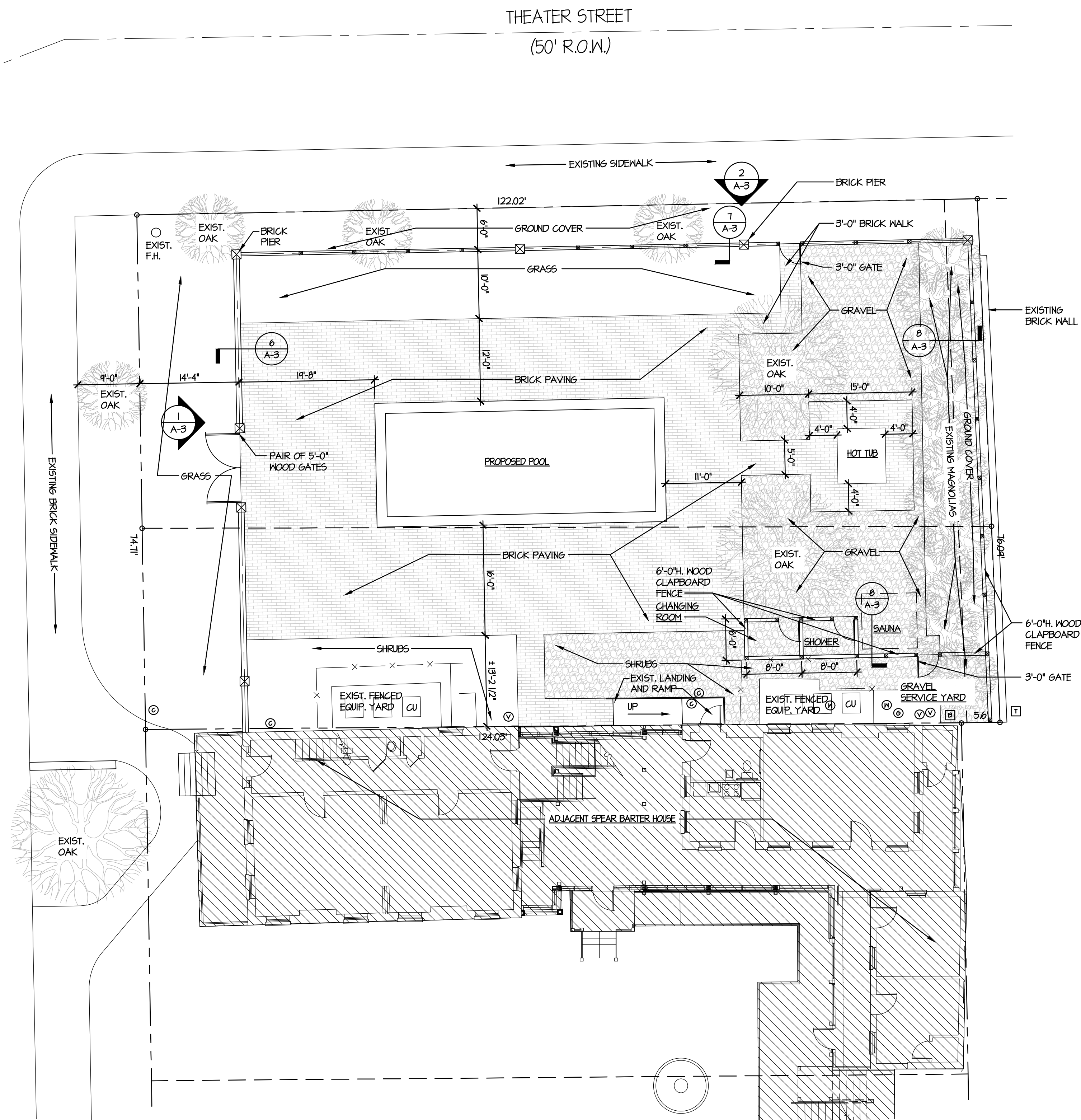
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SHEET
C-1
OF



1
A-2

ARCHITECTURAL SITE PLAN
SCALE: 1" = 10' - 0"

SCALE: 1" = 10' - 0"

CITY OF MOBILE ADOPTED CODES EFFECTIVE JANUARY 1 2023

2021 IKG LOCAL AMENDMENT EFFECTIVE JANUARY 1 2023

2021 IFC LOCAL AMENDMENT EFFECTIVE JANUARY 1 2023

2021 IFGC LOCAL AMENDMENT EFFECTIVE JANUARY 1 2023

IFGC FEE SCHEDULE LOCAL AMENDMENT EFFECTIVE JANUARY 1 2023

2020 NEC LOCAL AMENDMENT EFFECTIVE JANUARY 1 2023

2021 IRC LOCAL AMENDMENT EFFECTIVE JANUARY 1 2023

2021 AMENDMENT TO 2021 IBC LOCAL AMENDMENT EFFECTIVE JANUARY 1 2023

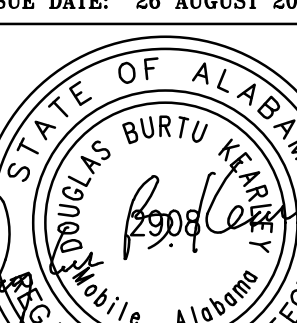
2021 IEBC LOCAL AMENDMENT EFFECTIVE JANUARY 1 2023

2021 IBC LOCAL AMENDMENT EFFECTIVE JANUARY 1 2023

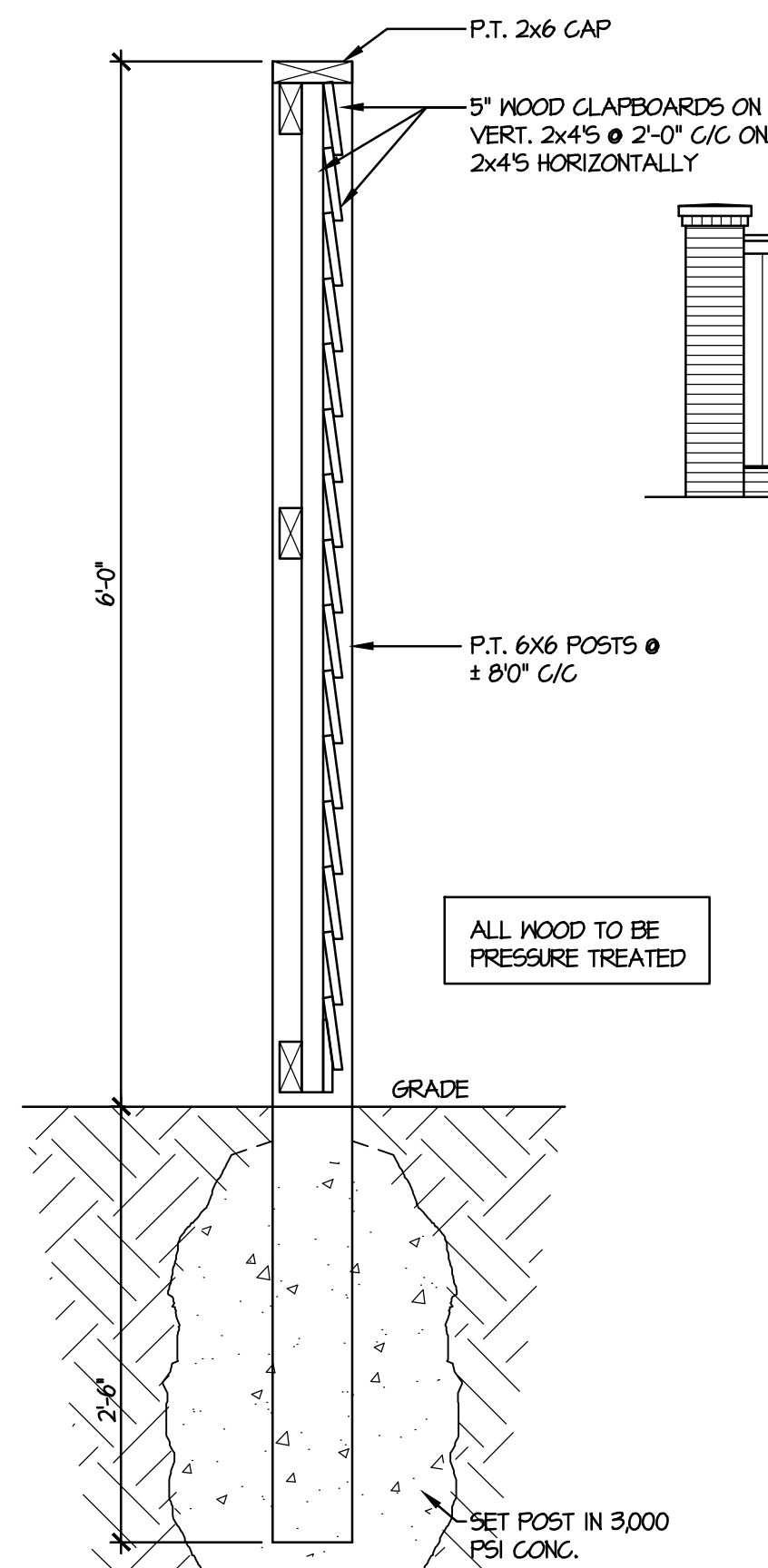
2021 IFC LOCAL AMENDMENT EFFECTIVE JANUARY 1 2023

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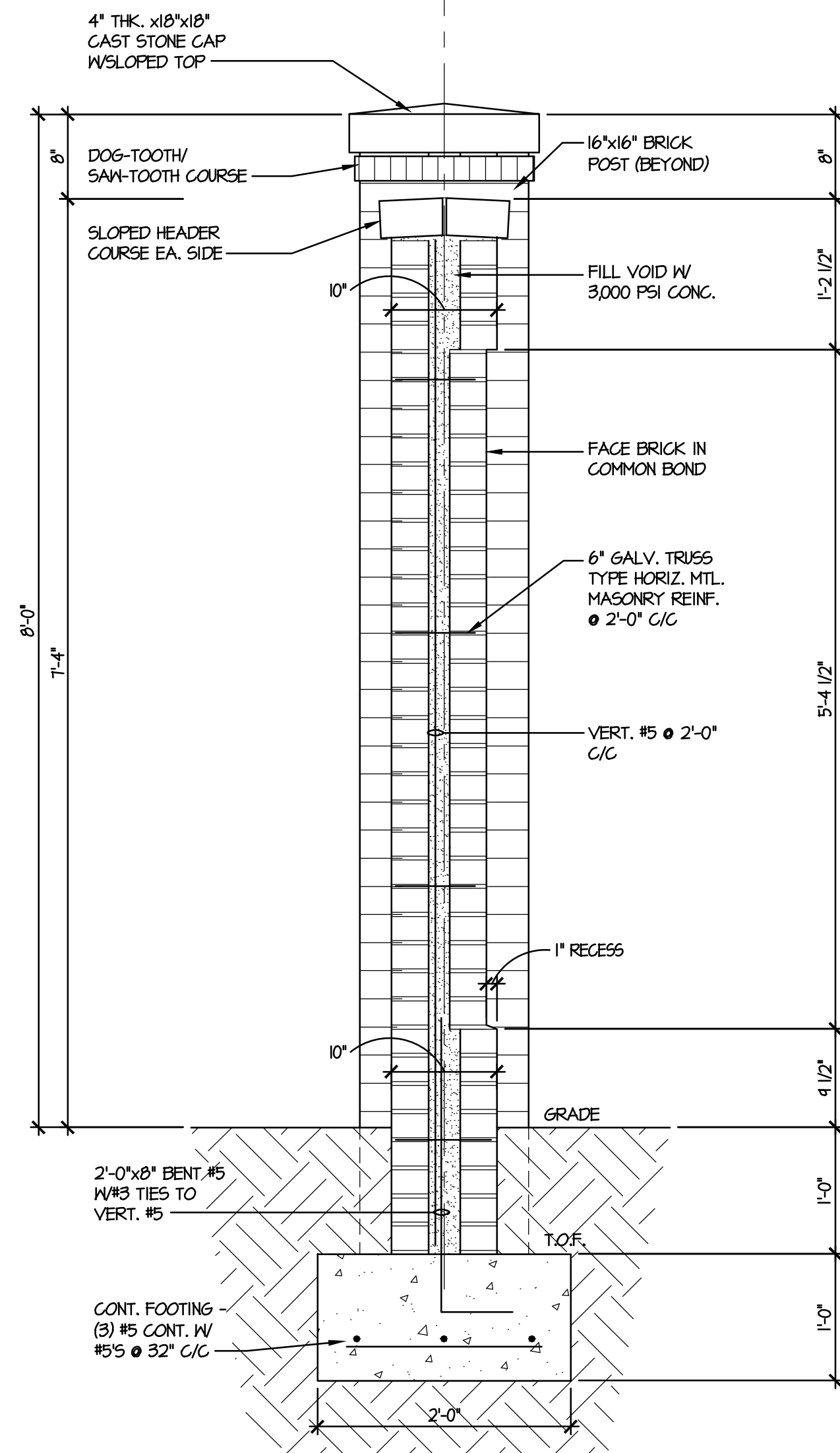
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JOB NO:	2609
DWG BY:	HEUBACH
REVISIONS:	
ISSUE DATE: 26 AUGUST 2026	
	
SHEET NO: A-2	
SHEET	OF

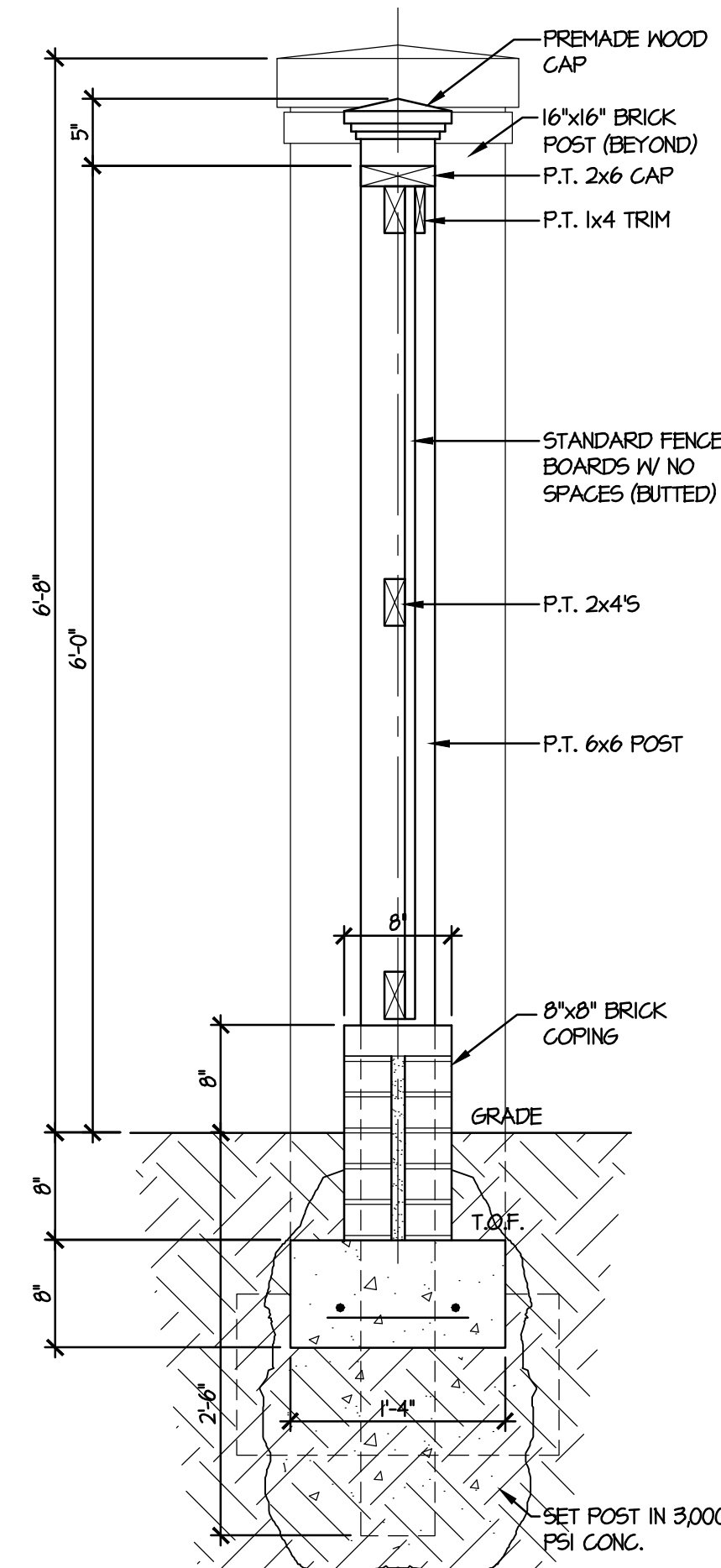
8/25/2026 7:53:25 PM - SOUTHERN DRAFTING SERVICES - (251) 591-8842



8 SECTION - EAST WOOD FENCE
SCALE: 1" = 1' - 0"
(AT SHOWER, CHANGING, SERVICE, SAUNA & BEHIND MAGNOLIAS)



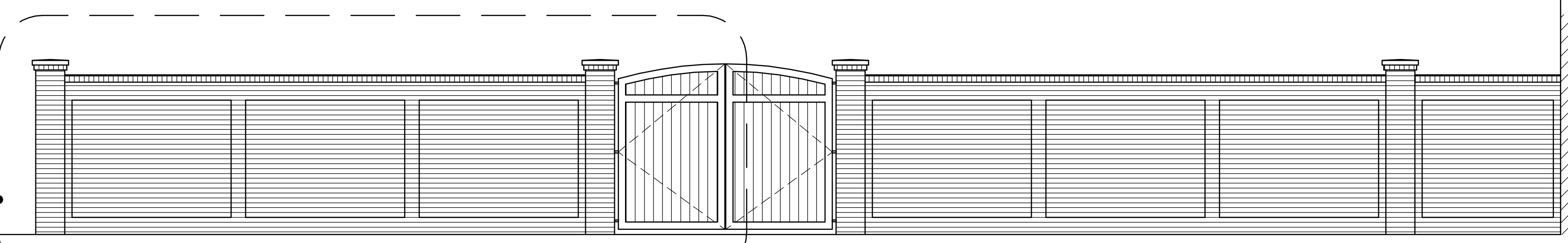
6 SECTION - MASONRY FACADE SCREEN
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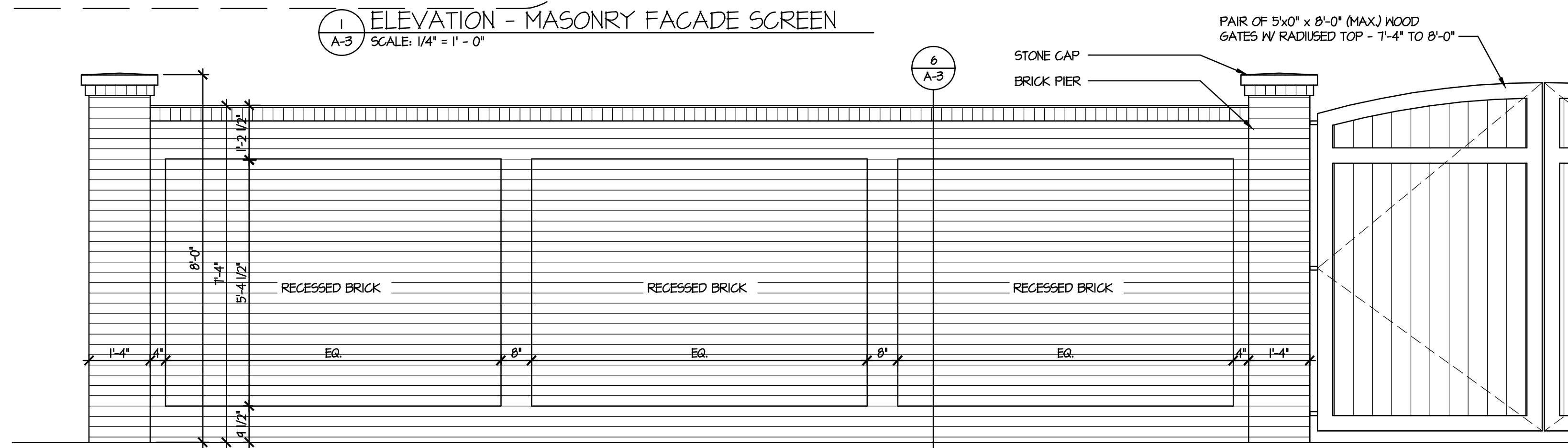
7 SECTION - WOOD FENCE
SCALE: 1" = 1' - 0"

2 ELEVATION - NORTH WOOD FENCE
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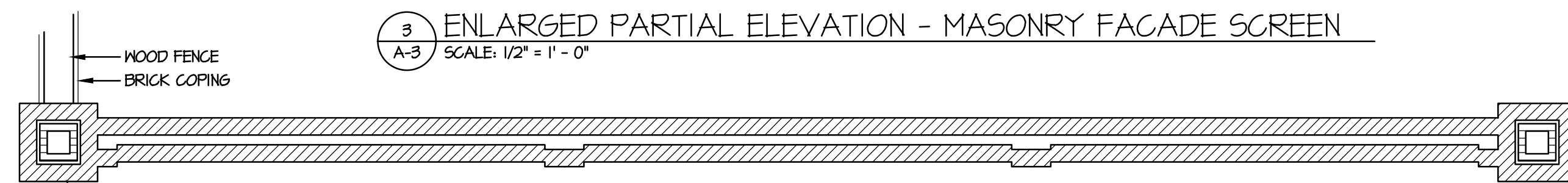
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A-3



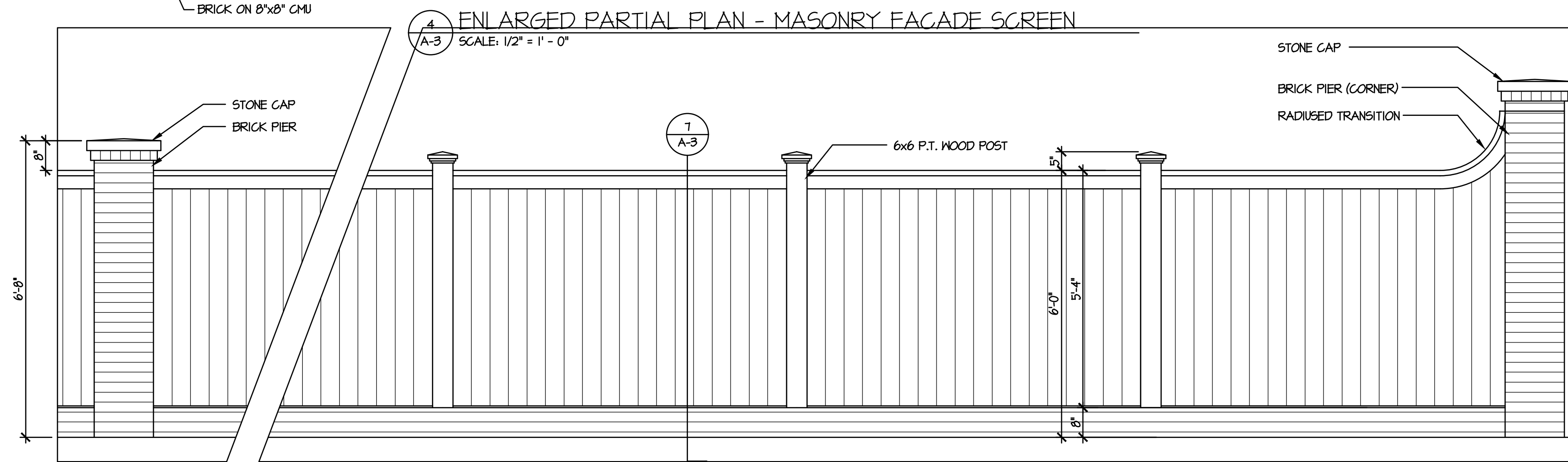
1 ELEVATION - MASONRY FACADE SCREEN
SCALE: 1/4" = 1' - 0"



3 ENLARGED PARTIAL ELEVATION - MASONRY FACADE SCREEN
SCALE: 1/2" = 1' - 0"



4 ENLARGED PARTIAL PLAN - MASONRY FACADE SCREEN
SCALE: 1/2" = 1' - 0"



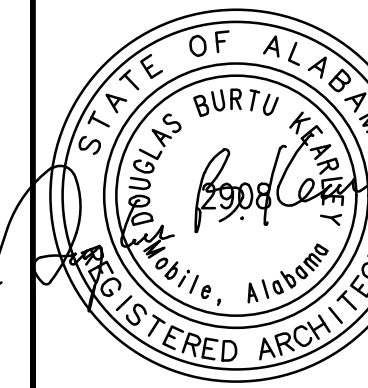
5 ENLARGED PARTIAL ELEVATION - NORTH WOOD FENCE
SCALE: 1/4" = 1' - 0"

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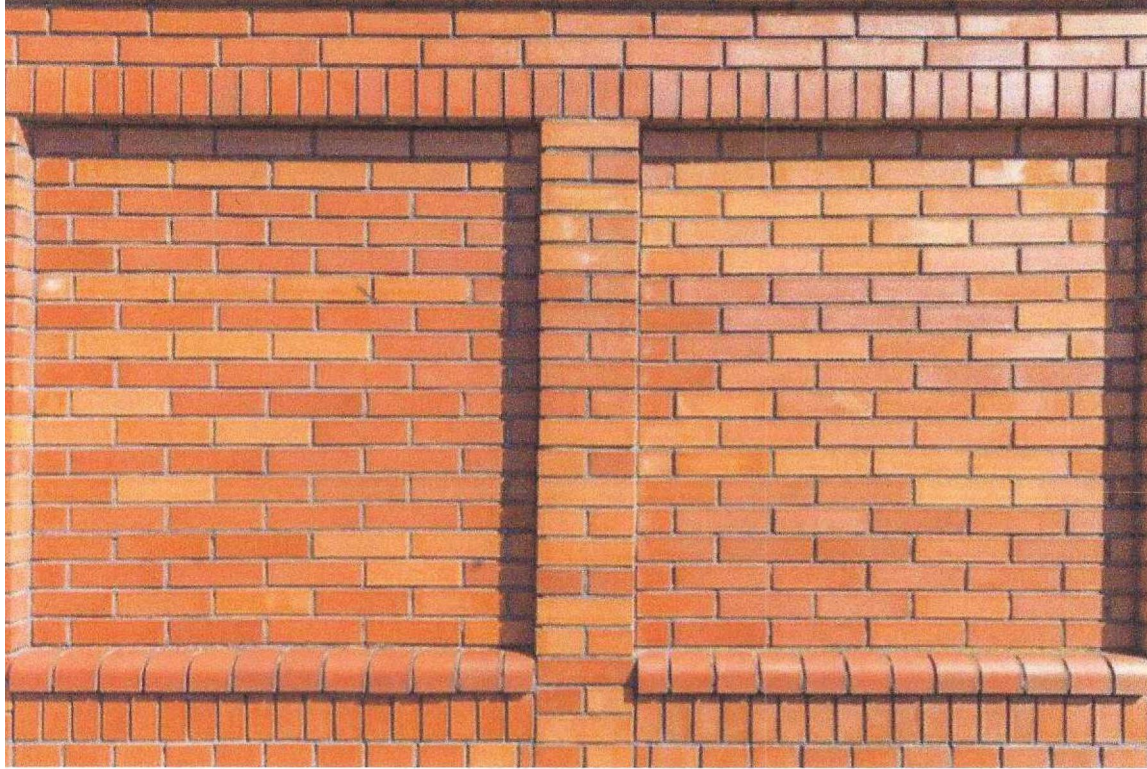
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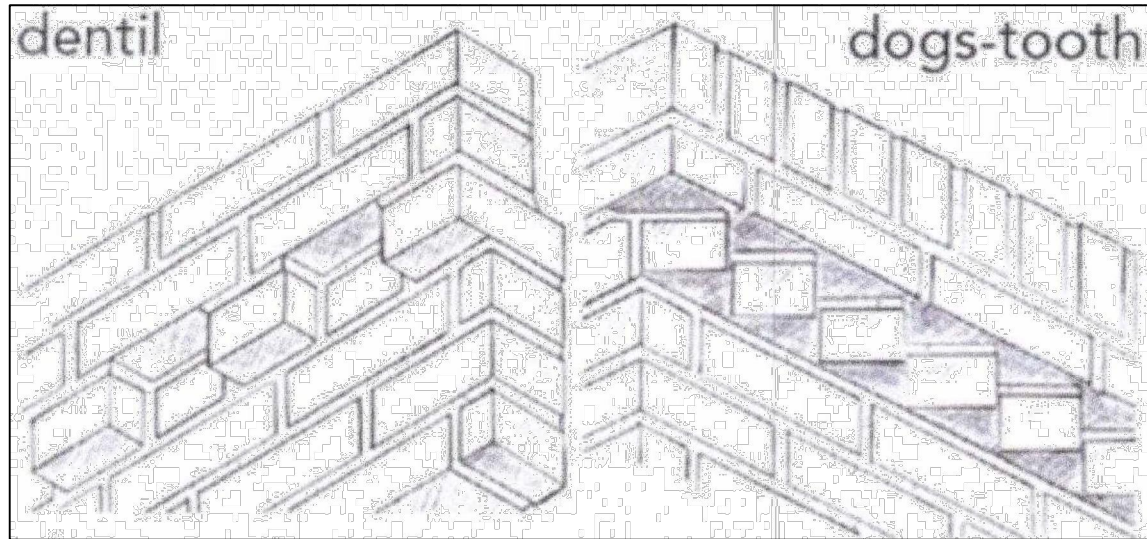
ISSUE DATE: 26 AUGUST 2026



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A-3
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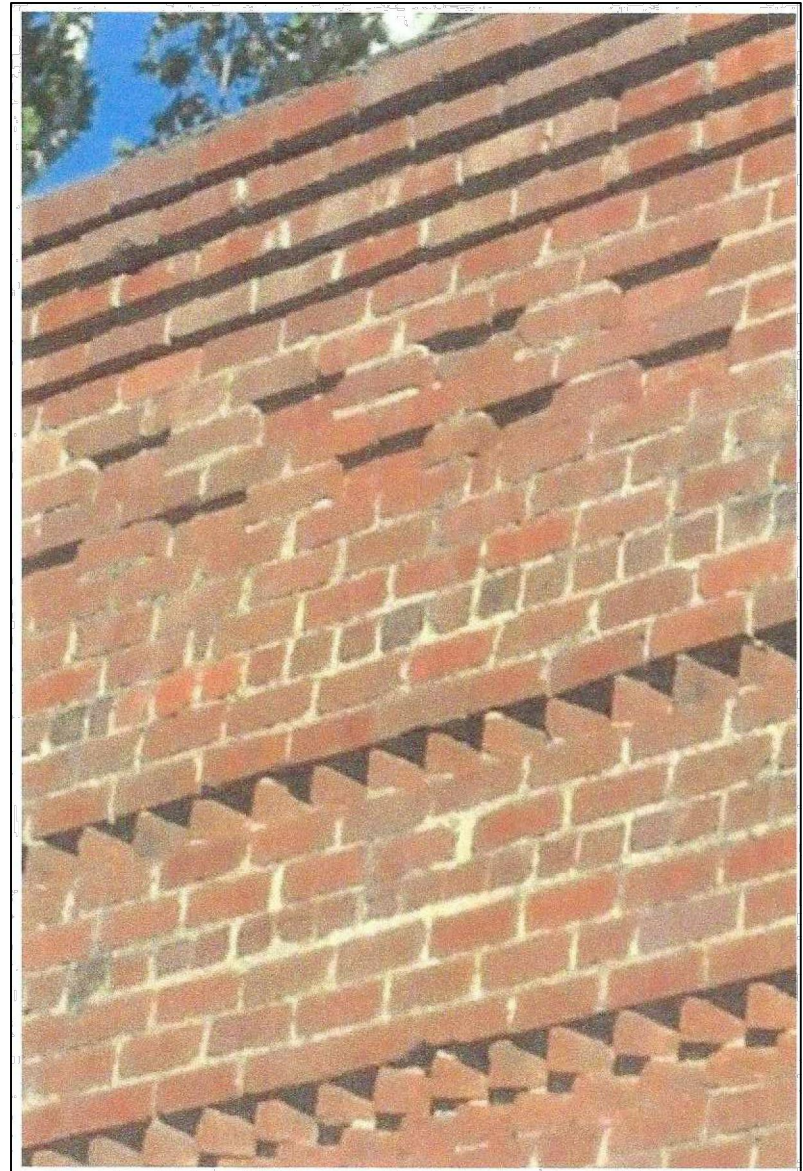
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A-4 NOT TO SCALE



3 IMAGE
A-4 NOT TO SCALE



4 IMAGE
A-4 NOT TO SCALE

Harbor Pyramid Wood Post Caps by Nantucket Post Cap



QUANTITY*

* required field
Price reflects options chosen above
\$20.09

Since 1988, The Nantucket Post Cap Company has been creating fine post caps, finials, and more made out of the highest grade of redwood and cedar. All their high quality **Post Caps** are made from the best grade of clear, all heart, vertical-grain Redwood or Clear Western Red Cedar, so you can choose the wood species that works best for your fencing or deck.

Both Red Cedar and Redwood have great resistance to moisture, decay and insect damage. These wood types also have great stability. Your **Post Cap** will lay flat, stay straight, retain fasteners, and provide a firm base for many types of stains and paints, giving you a post cap that will hold up to the elements for years to come.

Post caps are decorative structures covering the tops of wooden posts on outdoor decks and wooden fences. Not only do they enhance the outdoor wooden structure, but they protect the top of the wooden post from cracking and splintering. Post caps will also cover up any uneven mill cuts or other eyesores on top of the fence or deck post. Available for nominal post sizes of 4x4, 5x5, 6x6, 7x7, 8x8, 9x9, and 10x10.

Molding Depth: 1-1/8"

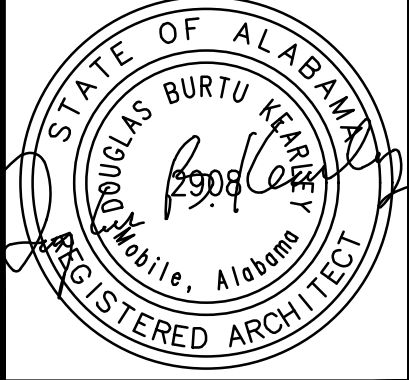
Harbor Post Cap:

- Fits standard wood posts from 3-1/2" x 3-1/2" up to 10" x 10"
- Comes in Western Red Cedar and Kiln-Dried Redwood
- Also available in custom specialty sizes - please call or email for pricing

5 IMAGE
A-4 NOT TO SCALE

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REVISIONS:	
ISSUE DATE:	28 AUGUST 2026
	

SHEET NO:	A-4
SHEET	OF