



Agenda Item #1

Application 2026-39-CA

DETAILS

Location:

Parcels R022906400011143/R022906400011142

Summary of Request:

- Install 8' H fence to enclose future pool/sauna/spa area for Fort Conde Inn.
- Establish four car gravel parking area on west end of parcels.

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 are in compliance with the *Guidelines*.
- Masonry walls are a more common occurrence in the surrounding area.
- Proposed parking area would have limited screening which does not follow the *Guidelines*.
- The proposed 8' fence is in compliance with the *Guidelines* because of the surrounding commercial properties; however, the proposed location of the fence is a corner lot.
- The *Guidelines* do not specify what considerations should be given for privacy fences located on a corner lot.

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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. Install 8' H privacy fence that will appear as follows:
 - a. 8" brick coping wall; 6' standard wood board fence; 6"x6" posts with pre-made caps spaced 8' apart; seven 8' tall 12"x12" brick piers with sloped cement cap (four equally spaced brick piers will be located along the north elevation of the fence, two brick piers will flank the western outswing gate, one brick pier will abut 163 St Emanuel Street at the south end of the west elevation of the fence.
 - b. Fence to run approximately:
 - i. West elevation: 68'9" S/N
 - ii. North elevation: 96' W/E
 - iii. East elevation: 70'1" N/S
2. Establish four-car gravel parking area measuring approximately 20' W x 62'9" D on west end of parcels, facing St. Emanuel Street.
 - a. Parking area will be accessed by new 15' W entrance located on St. Emanuel Street.

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

DRIVEWAYS AND PARKING AREAS

- 10.7 Minimize the visual impact of parking.
 - Locate a parking area at the rear or to the side of a site whenever possible.
 - Use landscaping to screen a parking area.
 - Minimize the widths of a paved area or a curb cut.
 - If a curb cut is no longer in use, repair the curb. In some areas, granite curbs may be required.
 - Do not use paving in the front yard for a parking area. Paving stones might be acceptable in certain instances.

- Do not create a new driveway or garage that opens onto a primary street.

ACCEPTABLE WALK AND PAVING MATERIALS

- Materials that have a similar character, durability and level of detail to walks and paved areas associated with historic properties in the district are acceptable. These often include:
 - Gravel or crushed stone
 - Shell
 - Brick
 - Cobblestone
 - Grasspave or grasscrete (mix of grass and hard surface paving material that provides a solid surface)

STAFF ANALYSIS

The subject parcels located at the corner of St. Emanuel and Theatre 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.

Location of the Proposed Fence

Section 10.2 of the *Design Guidelines* state, "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." The subject application proposes development for two parcels that currently do not have extant structures. There are no *Guidelines* that provide for this scenario. The proposed fence will abut 163 St. Emanuel Street which is zoned T-5.1 for medium intensity mixed use. The site plan provided by the applicant shows that the fence would establish the two subject parcels as a side yard for 163 St. Emanuel Street. If interpreted as a side yard, the location of the fence complies with the *Guidelines*. The proposed 8' fence is in compliance with the *Guidelines* because of the surrounding commercial properties; however, the proposed location of the fence is a corner lot. The *Guidelines* do not specify what considerations should be given for privacy fences located on a corner lot.

Materials and Design of Proposed Fence and Coping Wall

The proposed fence would feature mixed materials including a brick coping wall, wood posts with caps, brick piers with cement caps, and box framed fence boards. The materials proposed for the fence are acceptable under the guidelines for fences (10.2). The overall design of the fence would be a hybrid between the coping wall and the above wood fence materials. The masonry components of the fence would be appropriate for the area around St. Emanuel Street. Examples of masonry walls can be seen at 104 Theatre Street that feature a brick wall parged with stucco and a cement cap. To the north of the subject parcels is the reconstructed Forte Conde that features several brick walls. 166 S Royal Street, to the east of the subject parcels also display brick privacy walls. There are fewer examples of wood fencing in the immediate area of St. Emanuel and Theatre Streets. However, the opaque design of the proposed fence is more reminiscent of a solid masonry wall as opposed to a more open privacy fence.

Proposed Parking Area

The *Guidelines* direct that the visual impact of parking should be minimized (10.7). The application proposes a gravel lot measuring 20' W x 62'9" on the west end of the parcels, with access from St. Emanuel Street. The two parcels have been used as a gravel parking area since at least 2009,

however with the proposed redevelopment, the use of a parking area must be considered. Minimal screening of the parking area has been included in the application. An existing oak tree sits to the north of the proposed entrance to the parking area along St. Emanuel Street with another located at the north elevation of the parking area. Additional oak trees are proposed for the corner of St. Emanuel and Theatre Streets and to flank the south side of the parking entrance along St. Emanuel.

SITE LOCATION- 159 St Emanuel Street

ARCHITECTURAL REVIEW BOARD VICINITY MAP	
APPLICATION NUMBER <u>1</u> DATE <u>7/15/2026</u> APPLICANT <u>City of Mobile</u> PROJECT <u>Install an 8' H fence; Create a four-car gravel parking area on west end of parcels</u>	
N ↑ NTS	

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: Flag Day 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



Owner's Representative Name: Douglas Kearley

Business Name Douglas Burtu Kearley, Architect, Inc.

Address: _____

Email: _____ Telephone: _____

Other Contact Information: mobile _____

Construct an 8'-0" high wood fence and gates with several 12"x 12" masonry piers with washed cement caps to enclose a proposed pool/ spa/ sauna area (not in this application) in

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existing gravel surfaced parking lot retaining 4 existing parking spaces with new curb cut as per City of Mobile standards.

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

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

Will the proposed work require the removal of any trees from the site? ☒ **X** ☐ **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.

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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.

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

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

EXTERIOR PAINTING

Period color schemes are encouraged. However, other colors may be acceptable. Submit name and color samples for:

_____ Manufacturer
_____ main body color
_____ trim or decorative features
_____ porch deck

_____ accent areas: lattice, shutters, etc.
_____ other areas

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FENCES, DRIVES AND GATES

1. _____ A drawing or photograph of the type of fence, wall or gate with the height noted.
2. _____ A site plan, with dimensions, showing the placement of any proposed change to the property as it relates to property boundaries and all other building or site facilities.
3. _____ A description of the materials to be used.
4. _____ Paint samples, if the fence, wall or gate is to be painted.

1. ☐ A drawing or photograph of the type of fence, wall or gate with the height noted.
2. ☐ A site plan, with dimensions, showing the placement of any proposed change to the property as it relates to property boundaries and all other building or site facilities.
3. ☐ A description of the materials to be used.
4. ☐ Paint samples, if the fence, wall or gate is to be painted.

The office of the MHDC can provide sample plans for garages, carports and outbuildings. These are generally acceptable for most domestic sites. Note: These are for design purposes only and are not suitable as construction drawings.

CONFLICTS WITH OTHER CITY DEPARTMENTS

The Architectural Review Board examines applications solely on the basis of impairment to the historic character of a building or neighborhood. Approval by other City Departments may consider other aspects of a project such as safety. When multiple regulations are in conflict, generally the most restrictive applies. Also, though the staff and Review Board try to inform applicants of possible conflicts, they may not be aware of all the implications of a request. Therefore, the property owner should clear all requests with the appropriate departments.

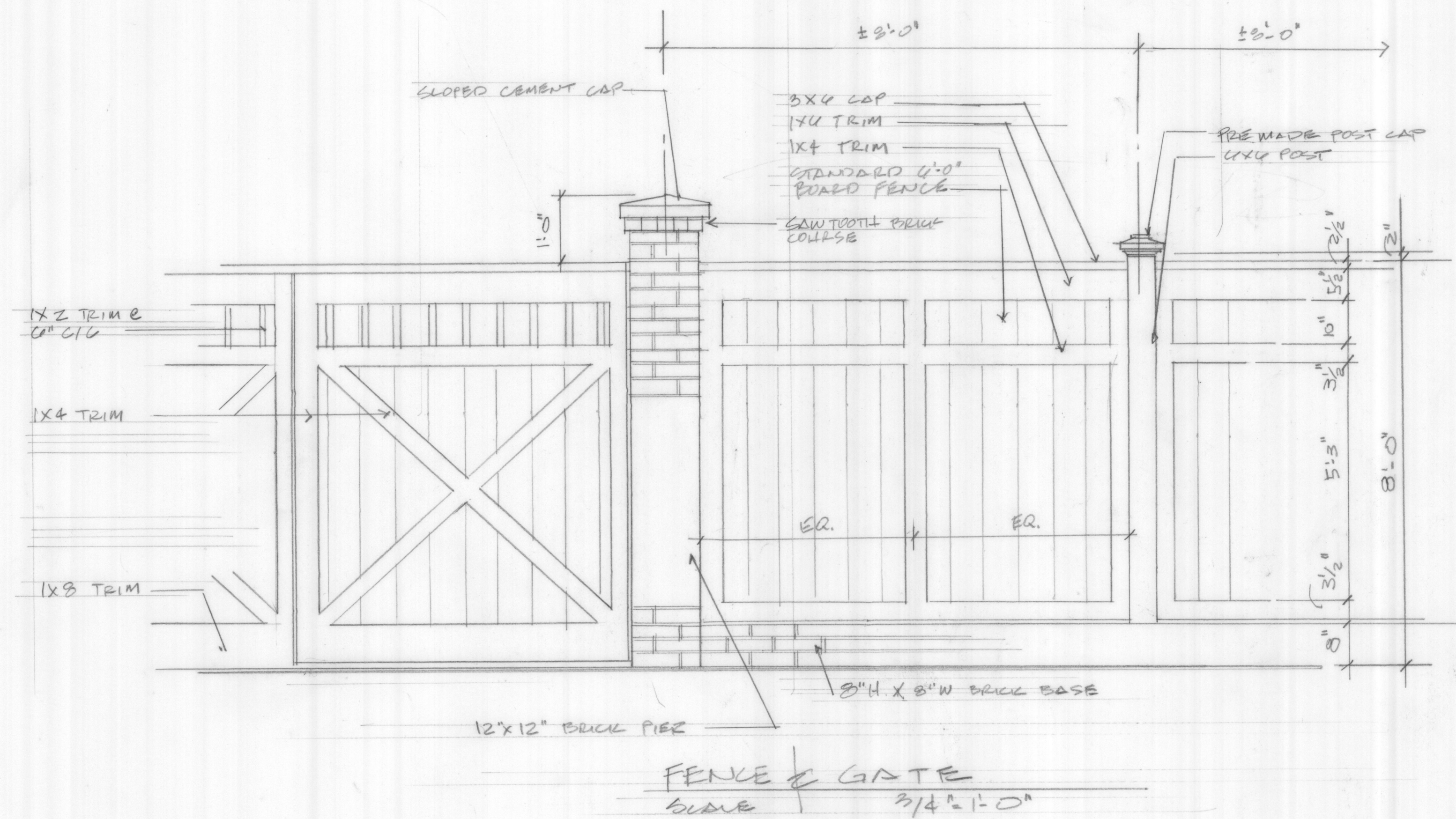
Place Additional Information Here

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

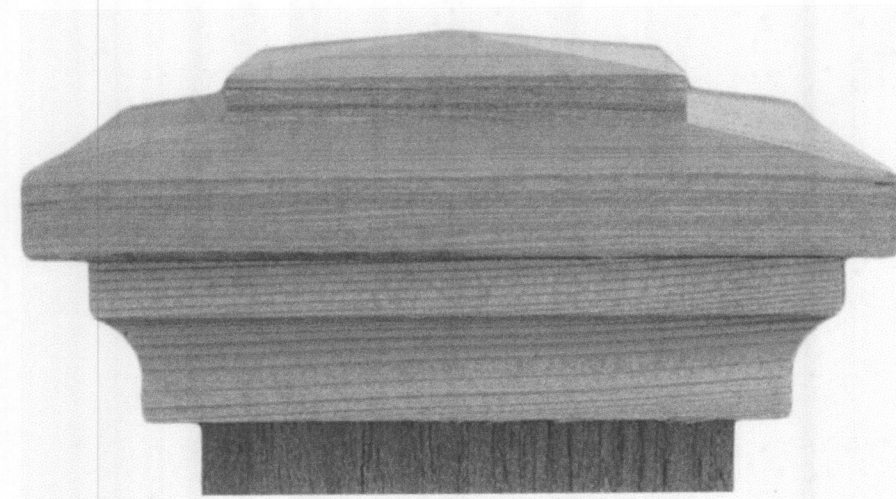
**Mobile Historic Development Commission, 205 Government Plaza, Second Floor South Tower,
Mobile, Alabama**

Mail to: MHDC, P.O. Box 1827, Mobile, AL 36633-1827

Phone: (251) 208-7281 www.mobilehd.org
arb@cityofmobile.org



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.

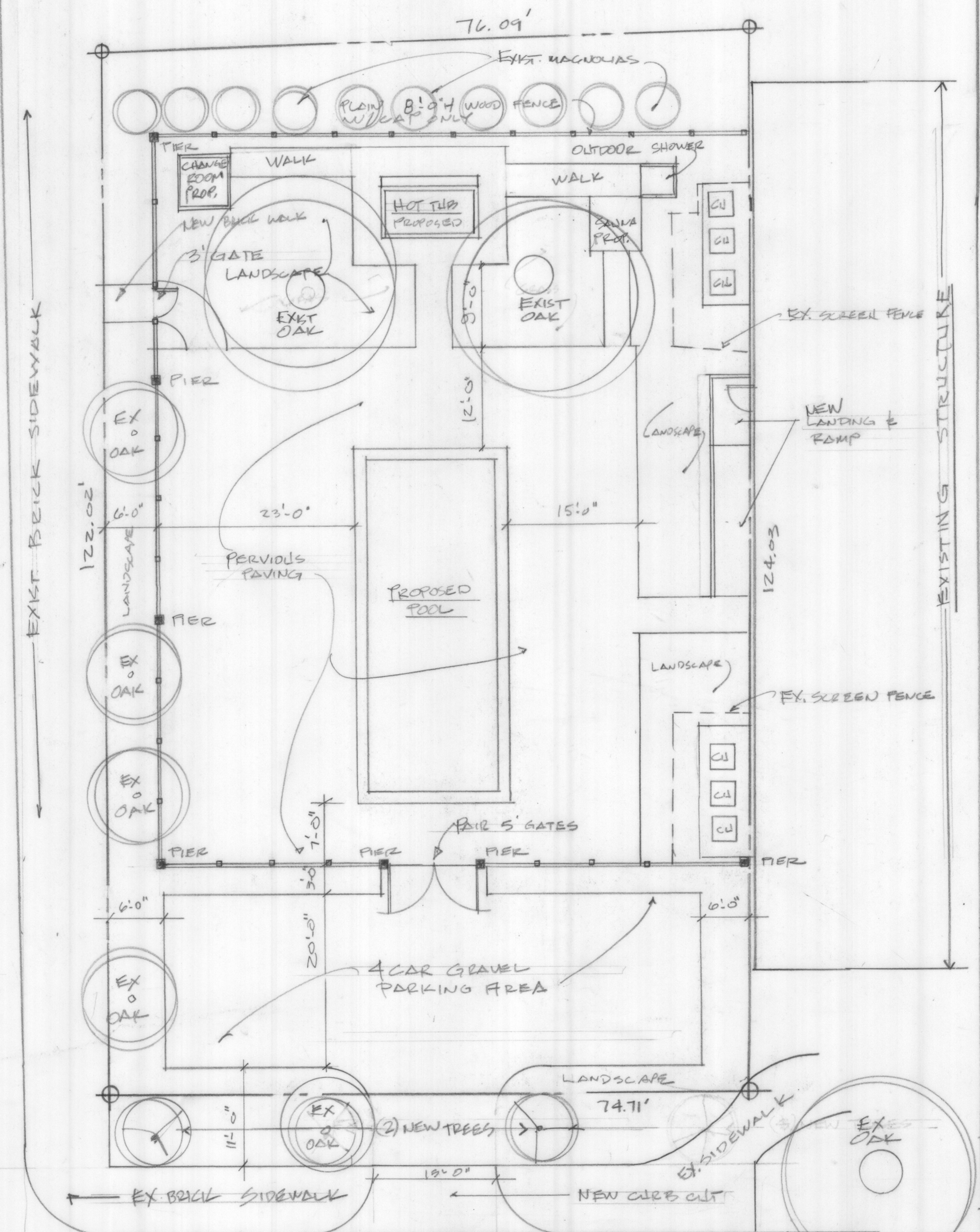
Post caps are decorative structures covering the tops of wooden posts on outdoor decks and wooden fences. Not only do they enhance the outdoor wooden structure, but they protect the top of the wooden post from cracking and splintering. Post caps will also cover up any uneven mill cuts or other eyesores 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

THEATER STREET



SITE PLAN
SCALE 1"=10'-0"

ST. EMANUEL ST.