



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT  
HISTORIC PRESERVATION OFFICE

**Staff Report: Z-20-20-8**  
**June 8, 2020**

**INTRODUCTION**

Z-20-20-8 is a request to establish Historic Preservation (HP) overlay zoning for the property located at 816 South 3rd Avenue known historically as Arizona Building Company House #9. Maps and photos of the subject property are attached.

**STAFF RECOMMENDATION**

Staff recommends that rezoning request Z-20-20-8 be approved.

**BACKGROUND**

The subject property was first documented in the *Phoenix: Nineteenth Century Architecture* survey completed by Woodward Architectural Group in 1991 and recommended as not eligible (Woodward 1991). The property was next evaluated in 2007 in the *Residential Sound Mitigation Services, Phoenix Historic Property Survey* for the City of Phoenix Aviation Department Community Noise Reduction Program prepared by Liz Wilson, Jodey Elsner and Scott Solliday (Wilson, Elsner and Solliday 2007). The property was assigned the name Arizona Building Company House #9 in this survey as part of a sequential numbering of the original 12 properties on the block and was recommended individually eligible. However, it was never formally listed on the Phoenix Historic Property Register or the National Register of Historic Places.

In March of 2020, David Berrey, owner of 816 South 3rd Avenue, completed an application with the Historic Preservation Office to receive financial assistance to rehabilitate the property and requested city historic designation. At Mr. Berrey's request, the HP Commission voted to initiate HP zoning for the subject property on April 20, 2020.

**PROPERTY HISTORY**

In 1899 the Arizona Building Company purchased Block 22 of the Montgomery Addition, which included 3rd and Montezuma Avenues between Sherman and Hadley Streets, from subdivider John Montgomery for \$1,250 (Figure 1). An article in the *Arizona Republican* announcing the new development stated "this company was recently incorporated and has for its object the erection of small residence properties for

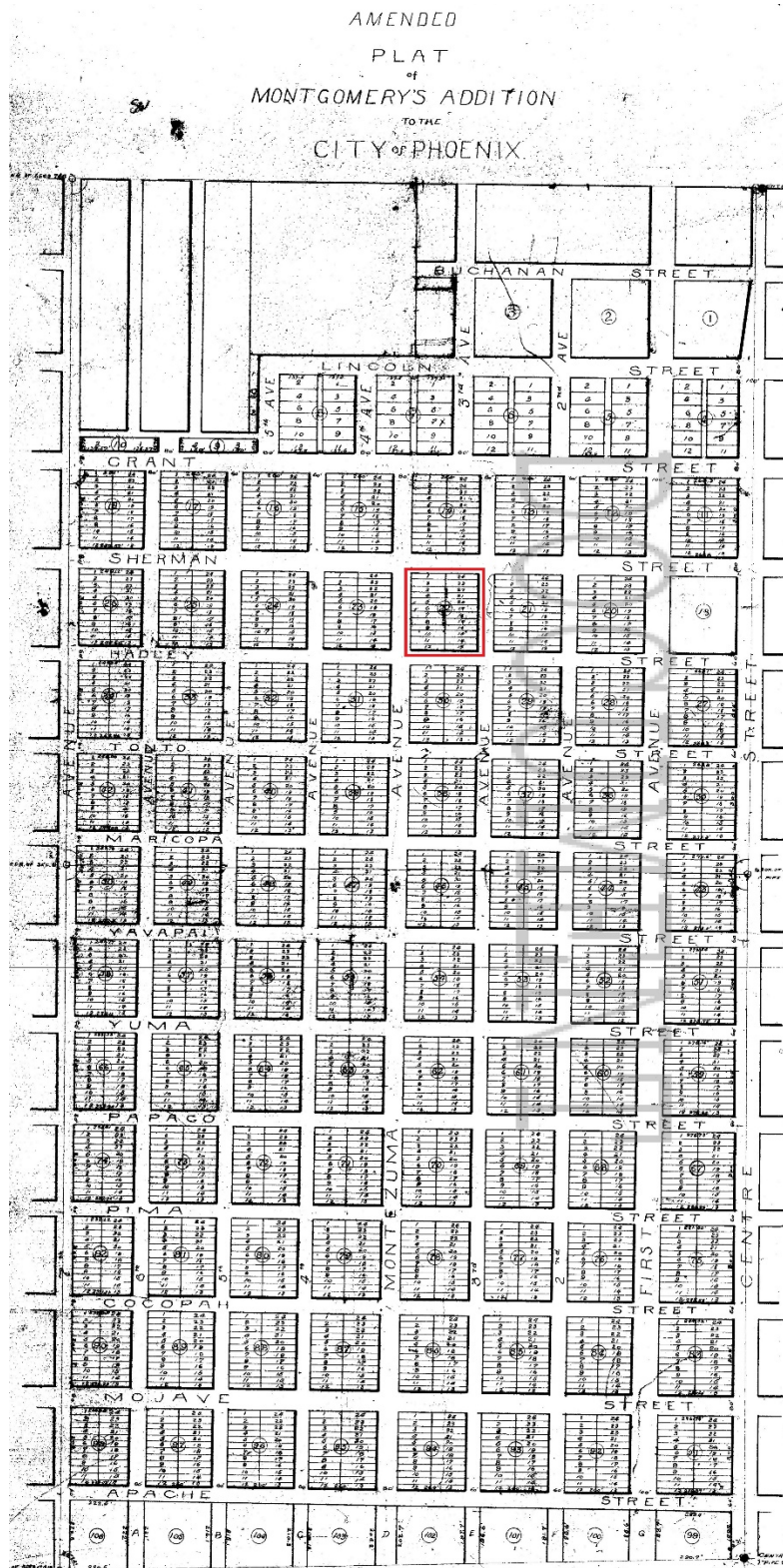


Figure 1. Montgomery's Addition platted in 1887 and amended in 1894 – Block 22 outlined in red

sale to working men and those of limited capital. Ground will be broken today for the erection of twelve brick cottages on these lots to be completed at the earliest possible moment" (*Arizona Republican* November 24, 1899:5).<sup>1</sup>

The following month, an article in the *Republican* stated that a reporter had visited the lots purchased by the Arizona Building Company and "found two brick cottages, four rooms, screen kitchen with bath, about completed and the foundation for four others laid, with any quantity of material on the ground. In all, twelve cottages will be built within thirty days" (*Arizona Republican* December 17, 1899:7). The Company's twelve nearly identical simple Queen Anne-style homes were likely inspired by a builder's plan book.

Recorded deeds indicate that the first sale in the development occurred in December of 1899 and the development was sold out by April 1903. Five of the original twelve homes from this earliest known tract development in Phoenix remain with one, 817 South Montezuma Avenue, proposed for demolition. These houses are readily identifiable by their uniform front setbacks on the lots, repeating plans, vertical massing, varying roof shapes that minimally distinguish one house from the other, and similar design details.

## **PROPERTY DESCRIPTION**

Arizona Building Company House #9 was constructed on Lots 17 and 18 of Block 22 and first appeared in tax assessment rolls in 1900 (Woodward 1991). The building, as noted above, is an example of a Queen Anne cottage. The rectangular-shaped brick building has a hipped roof with pedimented front-gabled ell and front porch. The front porch was infilled between the 1991 and 2007 surveys and was completed without a permit. It is interesting to note that, while sheathed in siding at the time of the 1990 survey, a 1918 article in the *Arizona Republican* lists the property for sale as a "brick, pebble dashed house" indicating a stucco/pebble treatment may have been original or, minimally, had occurred in the early twentieth century (*Arizona Republican* February 13, 1918:8). Presently the walls are sheathed in a smooth finish stucco. Based on aerial photography, the rear addition appears to have been constructed in the early-to-mid 1980s. All openings to the building are currently boarded.

The alterations to the front porches and exterior walls and windows that have occurred over the years have not substantially affected the building's ability to convey its historical association with a modest late 19th century residential tract development in Phoenix.

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<sup>1</sup> While the article noted that the development was occurring in the Kilroy's New Palestine Tract, J.A. Kilroy's New Palestine company was a real estate brokerage company and advertised extensively for lots within the Montgomery Addition. A "New Palestine" tract was never filed with the Maricopa County Recorder. Interestingly, J.A. Kilroy served as the Notary Public for the sale of Block 22 from J.B. Montgomery to the Arizona Building Company.

## **ELIGIBILITY CRITERIA**

The eligibility criteria for HP overlay zoning and listing on the PHPR are set forth in Section 807.D of the City of Phoenix Zoning Ordinance. To qualify, a property must demonstrate significance in local, regional, state, or national history, architecture, archaeology, engineering, or culture, according to one or more of the following criteria:

- A. The property is associated with the events that have made a significant contribution to the broad pattern of our history;
- B. The property is associated with the lives of persons significant in our past;
- C. The property embodies the distinctive characteristics of a type, period, or method of construction, represents the work of a master, possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. The property has yielded or may likely yield information integral to the understanding of our prehistory or history.

In addition to the significance requirement, the property must also be at least 50 years old or have achieved significance within the past 50 years if it is of exceptional importance. The property must also possess sufficient integrity of location, design, setting, materials, workmanship, feeling, and association to convey its significance.

## **EVALUATION**

In this case, the property meets the age requirement as it was constructed by 1900. The property also meets the significance requirements under Criterion A for its association with early speculative home development in Phoenix at the end of the nineteenth century. Under Criterion C it embodies the distinctive characteristics of a once-common type—a modest Queen Anne cottage likely built from a plan book. Such examples are now becoming increasingly rare. At the time of the Woodward survey in 1991, the broader Montgomery Addition was identified as having 16 Queen Anne cottages dating to the nineteenth century; now twelve, one of which is proposed for demolition, remain. The property also meets the minimum requirements for historic integrity, with most of its original design, setting, materials and workmanship intact. The most significant modification has been the enclosure of the front porch which is reversible.

## **BOUNDARY JUSTIFICATION**

Section 807.E states that, when applying the evaluation criteria in Section 807.D, the boundaries of a historic district should be drawn as carefully as possible to ensure that:

1. The district contains documented historic, architectural, archaeological or natural resources;

2. The district boundaries coincide with documented historic boundaries such as early roadways, canals, subdivision plats or property lines;
3. Other district boundaries coincide with logical physical or manmade features and reflect recognized neighborhood or area boundaries; and
4. Other non-historic resources or vacant land is included where necessary to create appropriate boundaries to assist in meeting the criteria in Section 807.D.

The proposed HP zoning boundary includes Lots 17 and 18 of Block 22 of the Montgomery Addition in their entirety, where the subject property is located. It also includes the adjacent street right of way, which is customary for rezoning applications.

### **CONCLUSION**

The rezoning request Z-20-20-8 to establish Historic Preservation (HP) overlay zoning for the subject property should be approved for the following reasons:

1. The property meets the significance, age, and integrity requirements for HP overlay zoning set forth in Section 807.D of the Zoning Ordinance; and
2. The proposed boundaries meet the eligibility criteria outlined in Section 807.E.

#### Writer

H. Ruter

5/29/2020

#### Team Leader

M. Dodds

#### Attachments:

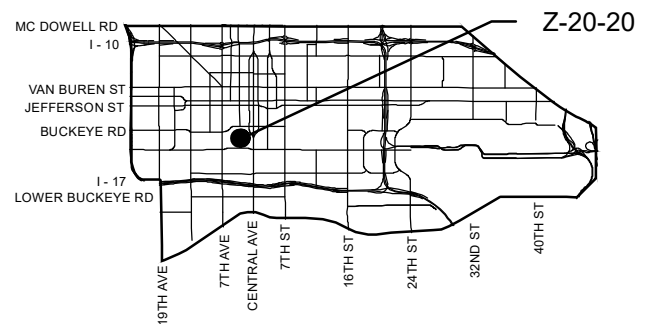
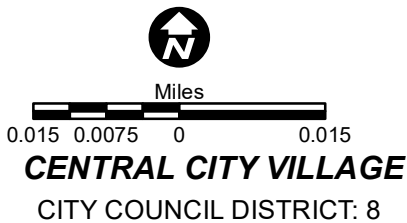
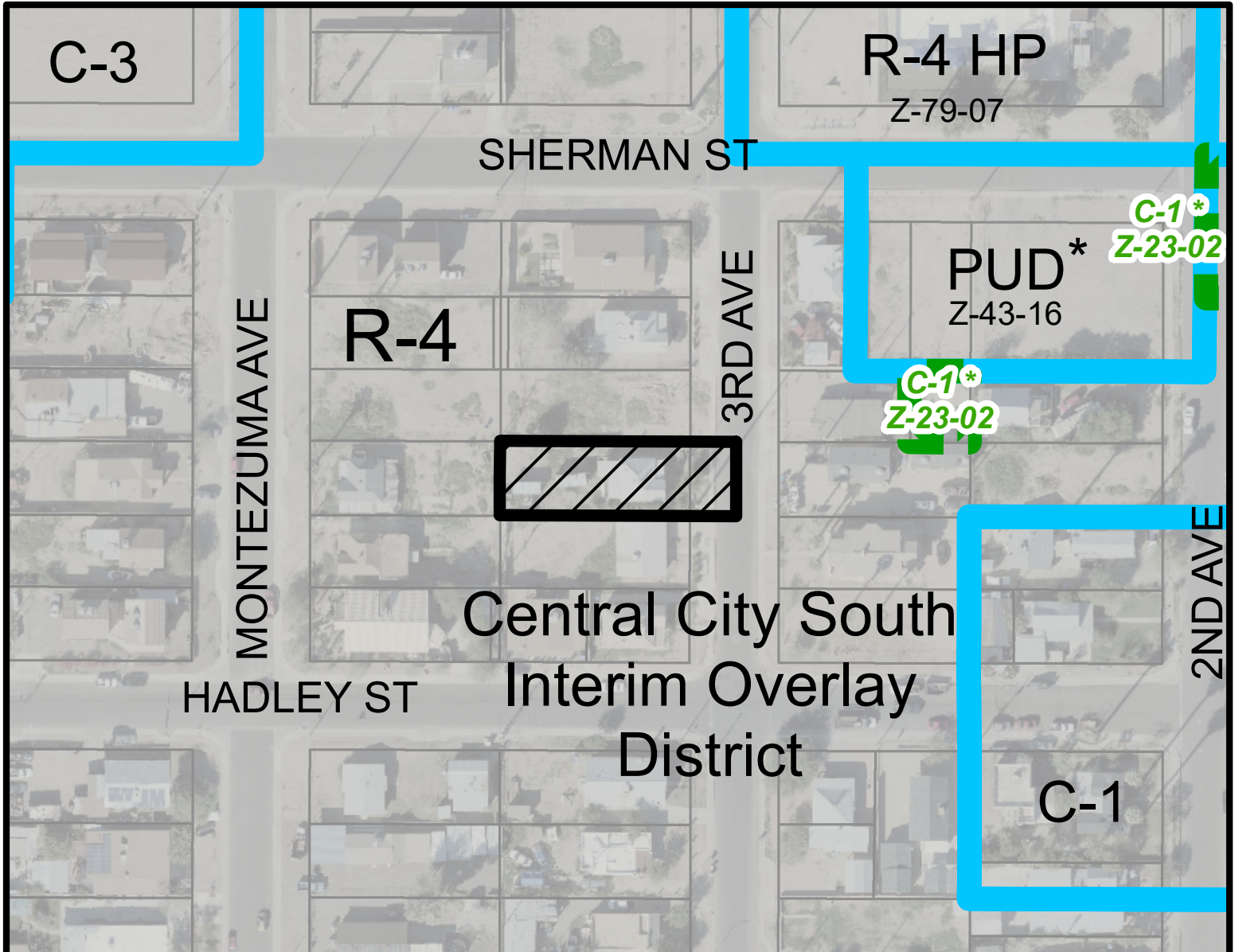
Sketch Map (1 page)

Aerial (1 page)

Photos (1 page)

Deed (1 page)






<b>APPLICANT'S NAME:</b> City of Phoenix Historic Pres Commission		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-20-20	<b>DATE:</b> 05/13/2020 <b>REVISION DATES:</b>	<b>FROM:</b> R-4 CCSIOD ( 0.19 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>0.19 Acres</b>	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 9-27	<b>ZONING MAP</b> F-8	<b>TO:</b> R-4 HP CCSIOD ( 0.19 a.c.)
<b>MULTIPLES PERMITTED</b>	<b>CONVENTIONAL OPTION</b>		<b>* UNITS P.R.D. OPTION</b>
R-4 CCSIOD	5		6
R-4 HP CCSIOD	5		6
* Maximum Units Allowed with P.R.D. Bonus			



**Arizona Building Company House #9**  
**816 South 3rd Avenue**

**Proposed Historic Preservation (HP) Zoning Overlay**

 816 S 3rd Avenue



**Z-020-20-8**

Arizona Building Company House #9

816 S 3rd Avenue



**Photo 1.** 816 S 3rd Avenue, looking southwest



**Photo 2.** 816 S 3rd Avenue front facade, looking west



**Photo 3.** Northern facade, looking south.



**Photo 4.** Western facade, looking northeast.



Territory of Arizona  
County of Maricopa

Warranty Deed.

Know All Men by these Presents: That John B. Montgomery and Alabama R. Montgomery his wife of the Territory and County aforesaid for and in consideration of Three thousand and Fifty Dollars, to us in hand paid by The Arizona Building Company, have granted, sold and conveyed, and by these presents do grant, sell and convey, unto the said The Arizona Building Company, all that certain premises described as follows, viz:

Block number Twenty-two (22) in Montgomery's Addition to the City of Phoenix, according to the amended map or plat thereof, on file in the office of the County Recorder of said Maricopa County, Territory of Arizona, in Book 2 of Maps, at page 40, together with a pro rata interest in a certain water right in the Salt River Valley Canal, numbered nine (9).

To Have and to Hold, the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said The Arizona Building Company heirs and assigns forever; and we hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend all and singular the said premises, unto the said The Arizona Building Company, heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof,

Witness our hand this 22nd day of November, A. D. 1899.

Signed, sealed and Delivered in the Presence of } I.R.#120  
J. A. Kilroy

John B. Montgomery Seal  
Alabama R. Montgomery Seal

Territory of Arizona,  
County of Maricopa

Before me J. A. Kilroy, a Notary Public in and for the County of Maricopa, Territory of Arizona, on this day personally appeared John B. Montgomery known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this 22nd day of Nov. A. D. 1899.

I.R.#104. Seal J. A. Kilroy

Territory of Arizona,  
County of Maricopa

My Commission expires May 11th 1901 Notary Public

Before me J. A. Kilroy, a Notary Public in and for the County of Maricopa, Territory of Arizona, on this day personally appeared Alabama R. Montgomery wife of said John B. Montgomery known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Alabama R. Montgomery, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purpose and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 22nd day of Nov. A. D. 1899.

I.R.#104. Seal J. A. Kilroy  
My Commission expires May 11th 1901 Notary Public

Filed and recorded at request of Rob. Greene, Nov. 23rd A. D. 1899 at 4:30 P. M.

F. H. Sheridan, County Recorder.

By C. H. Barnett, Deputy.