



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

**Staff Report: Z-54-20-6**  
**December 14, 2020**

**INTRODUCTION**

Z-54-20-6 is a request to establish Historic Preservation (HP) overlay zoning for the property located at the northeast corner of 44th Street and Devonshire Avenue [4203 North 44th Street] known historically as the Frank and Emma Avery House. Maps and photos of the subject property are attached.

**STAFF RECOMMENDATION**

Staff recommends that rezoning request Z-54-20-6 be approved.

**BACKGROUND**

In August 2020, Gera King, representing the current property owner, Rafterhouse Holdings, LLC, contacted the City of Phoenix Historic Preservation Office to inquire about HP zoning for the subject property. A nomination form for listing the property in the National Register of Historic Places had been reviewed and recommended eligible by staff in January of 2020. The property was subsequently listed in the National Register of Historic Places in June of 2020. At the applicant's request, the HP Commission voted to initiate HP zoning for the subject property on September 21, 2020.

**PROPERTY HISTORY**

Frank W. Avery was born to Earl W. and Melissa Avery in Lowell, Michigan in December of 1858. He later moved to Elk Point, Dakota (South Dakota) where he worked as a farmer. He met Emma Rosalie Benton in Elk Point and the couple married in 1887. Following their marriage, the couple moved to Wyoming where they applied for land patents south of the town of Beulah, not far from the South Dakota border, and established a ranching and farming enterprise.

The Averys visited Phoenix early in 1910 and decided to purchase Lot 4 of the Orange and Lemon Grove tract from their friend from South Dakota, Henry Leppla, who had recently relocated to Phoenix in 1909. The 10-acre piece of land had a small home and had already been planted in citrus. When the Averys permanently relocated to Phoenix in the fall of 1910 they were able to harvest a citrus crop for sale. While the orchard had originally been planted with trees, approximately 30 feet apart, Frank Avery felt the

property could be more efficient if the trees were closer together, and he replaced the existing stock with Navels with Marsh Seedless Grapefruit between.



Avery's grove originally had trees planted 30 feet apart

A fire destroyed the house and a large part of the Avery orchard in 1913 and the Averys subsequently built a modest, wood-framed, temporary home on the property. Between 1919 and 1920 the Averys constructed a new, "modern" Craftsman bungalow on the property at a cost of \$15,000. The Avery house was built with 12" thick concrete walls, sheathed with brick and stucco. It had a full basement, with concrete walls rising 19" to support a raised first floor level. This is the home that is still present on the property today.



North side of house with the beginning of the porte-cochere.



Frank & Emma Avery on the front porch of their house. Note the casement windows, stucco horizontal banding, stucco knee brace trim on the simple, square column.

In the period between the fire and the construction of the bungalow, Frank Avery experimented with a new orange variety. Purportedly Avery developed his namesake variety, the “Early Avery,” from a tree or trees he found on his citrus ranch. The trees he budded were well suited to the desert climate, flavorful and had the distinction of early maturation. Avery’s oranges ripened in early fall, and during the 1920/1921 season his crop was one of the earliest picked, which caught the eye of local growers. The roughly two-week harvest advantage of the Early Avery allowed Arizona growers to beat California growers to the market. An article in the *Arizona Republic* from 1922 touted Avery’s property as an “example of the best type of citrus culture” in the Salt River Valley and stated that Avery’s attention to detail and scientific methods allowed him to profit more than \$500/acre (*Arizona Republic* April 16, 1922:10).

As an independent grower, it is evident that Avery also recognized the economic importance of cooperatives for marketing and shipping citrus crops. He was one of the founders of the Arizona Fruit and Storage Company in 1919, which reorganized as the Arizona Citrus Growers Company the following year. The company owned a packing plant at 831 East Jackson Street near the rail line to ship locally grown fruit. Frank Avery was elected president of the Arizona Citrus Growers Company in 1922 and the following year the members voted to re-organize without stock and remove “Company” from the name, fully reflecting a shift to a cooperative. Avery oversaw the organization’s development of a new, larger, packing plant at 6th and Jackson streets in 1924 which packed and shipped 85% of the Salt River Valley citrus crop that year.

The Early Avery obtained a substantial market share as reported at the 1928 Arizona Citrus Growers annual meeting—approximately 10,000 boxes of Early Averages were shipped from the packing plant during the 1927/1928 season (*The San Bernardino County Sun* May 13, 1928:21). Avery continued to be elected, and serve as, president of the Arizona Citrus Growers Association and in 1929 the organization applied to join the California Fruit Growers Exchange to further their marketing and distribution efforts. The Early Avery varietal seems to have had similar prominence in the Arizona citrus market as Avery himself as a *Los Angeles Times* article from 1930 noted that all Arizona Sweet Seedling oranges were lumped together that year and sold as Early Averages (*Los Angeles Times* June 1, 1930). Avery served his last term as president of the Association in 1931.

Emma Avery passed away in 1931 and Frank continued to live at the bungalow until his death in 1938. Family friend and property caretaker George Speer inherited the property from Frank Avery. George and his wife Margaret and daughters Doris and Janice lived in the property and appear to have stopped operating the orchard by the late 1940s. The property was subdivided with the former orchard redeveloped as a residential subdivision in the 1950s. George Speer passed away in 1980 and daughter Janice inherited the property following her mother’s death in 1994. Janice Speer sold the property to Arcadia 44, LLC, a local developer, in 2016. Residential builder/developer

Rafterhouse Sonata, LLC acquired the property from Arcadia 44 in January of 2017 and began a rehabilitation project in 2018 in order to use the former home for their offices.

### **ELIGIBILITY CRITERIA**

The eligibility criteria for HP overlay zoning and listing on the PHSR 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**

The property meets the age requirement, having been constructed in 1920. The property also meets the significance requirement under Criterion B for its association with Frank Avery, a prominent leader and developer of the citrus industry in Phoenix who served as President of the Arizona Citrus Growers Association from 1922 until 1931. The house was located at the edge of a citrus orchard where Avery also developed a type of orange, known as the Early Avery

As noted above, the property went through a rehabilitation project in 2018 to adaptively re-use the building as an office. However, the key elements remain intact, including the broad gable front porch and attached porte-cochere. Following the rehabilitation, the building received a Governor's Heritage Honor Preservation award in 2019 at the Arizona State Historic Preservation Conference.

The Avery House property retains integrity of its historic *location*, integrity of *design*, as the form and ornamental details of the Craftsman bungalow form remain intact, integrity of *workmanship*, as the original concrete structural walls, structural components, and brick walls are intact and integrity of *materials*. It is recognized that the historic windows

were replaced as part of the 2018 rehabilitation project, but they were replaced with historically sensitive windows.

Integrity of *setting* has been impacted by the transition of the surrounding area from citrus orchards to residential and commercial development which has also impacted integrity of *feeling* and *association*. However, the Secretary of the Interior notes “a basic integrity test for a property associated with an important event or person is whether a historical contemporary would recognize the property as it exists today.” While the surrounding area has been impacted by new development, because the building retains its original design, location, workmanship and, largely, materials, the dwelling would be readily recognizable to a historical contemporary.

### **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 encompasses 0.58 gross acres and includes the entire parcel, as well as the adjacent right of way, which is customary for rezoning cases. The parcel represents the remaining portion of the Avery property, the original orchards of which were subsequently subdivided and sold for redevelopment.

### **CONCLUSION**

The rezoning request Z-54-20-6 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.

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Writer

H. Ruter  
12/14/20

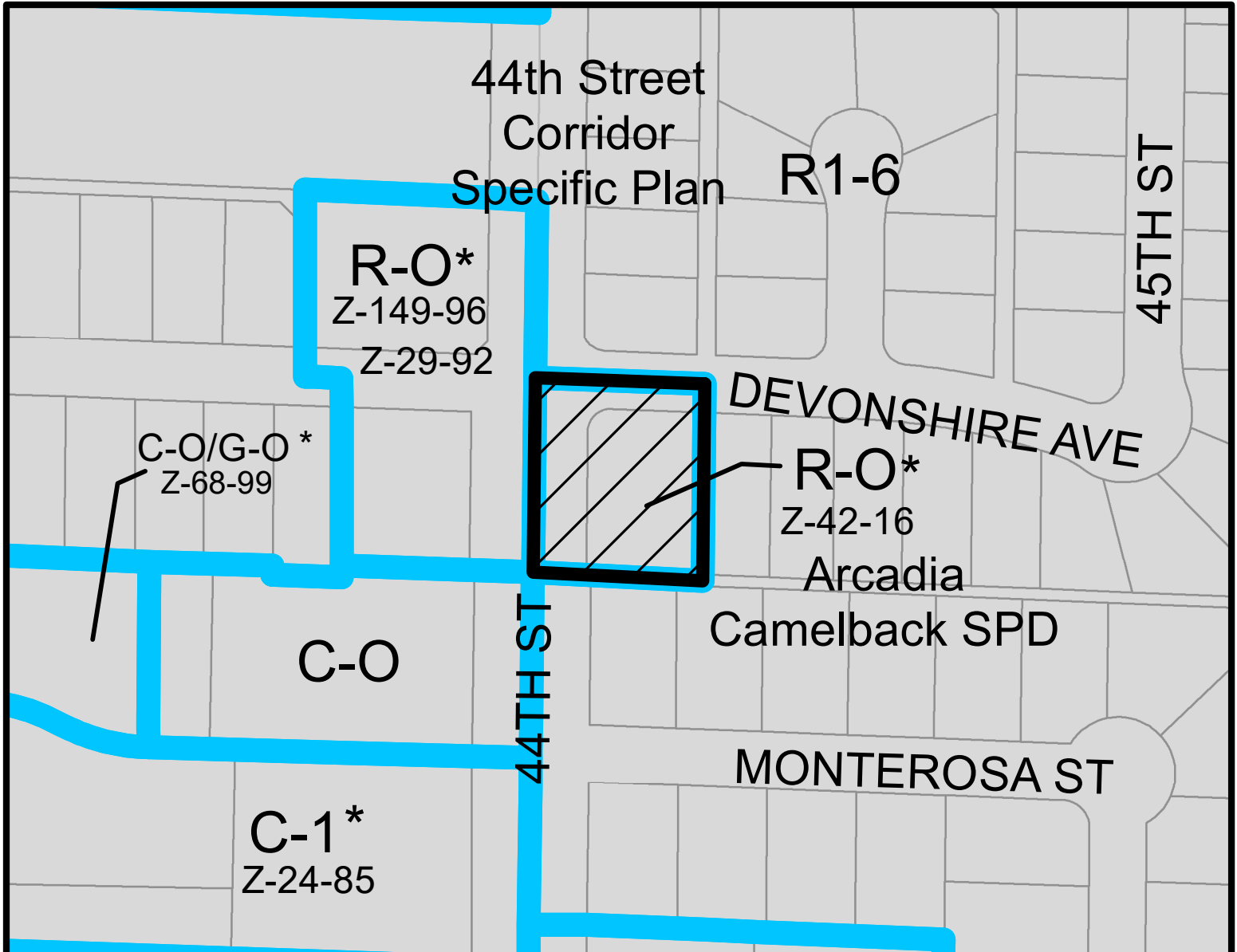
Team Leader

M. Dodds

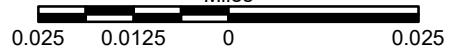
Attachments:

Sketch Map (1 page)  
Aerials (1 page)  
Photos (1 page)

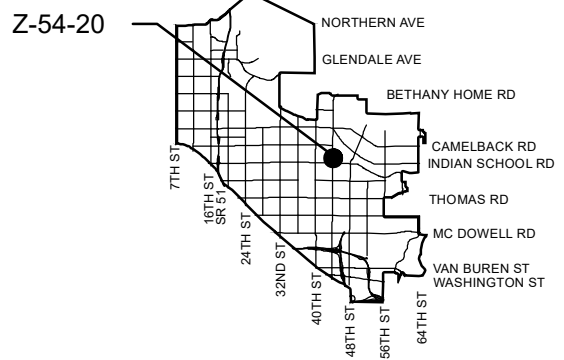




Miles



**CAMELBACK EAST VILLAGE**  
CITY COUNCIL DISTRICT: 6

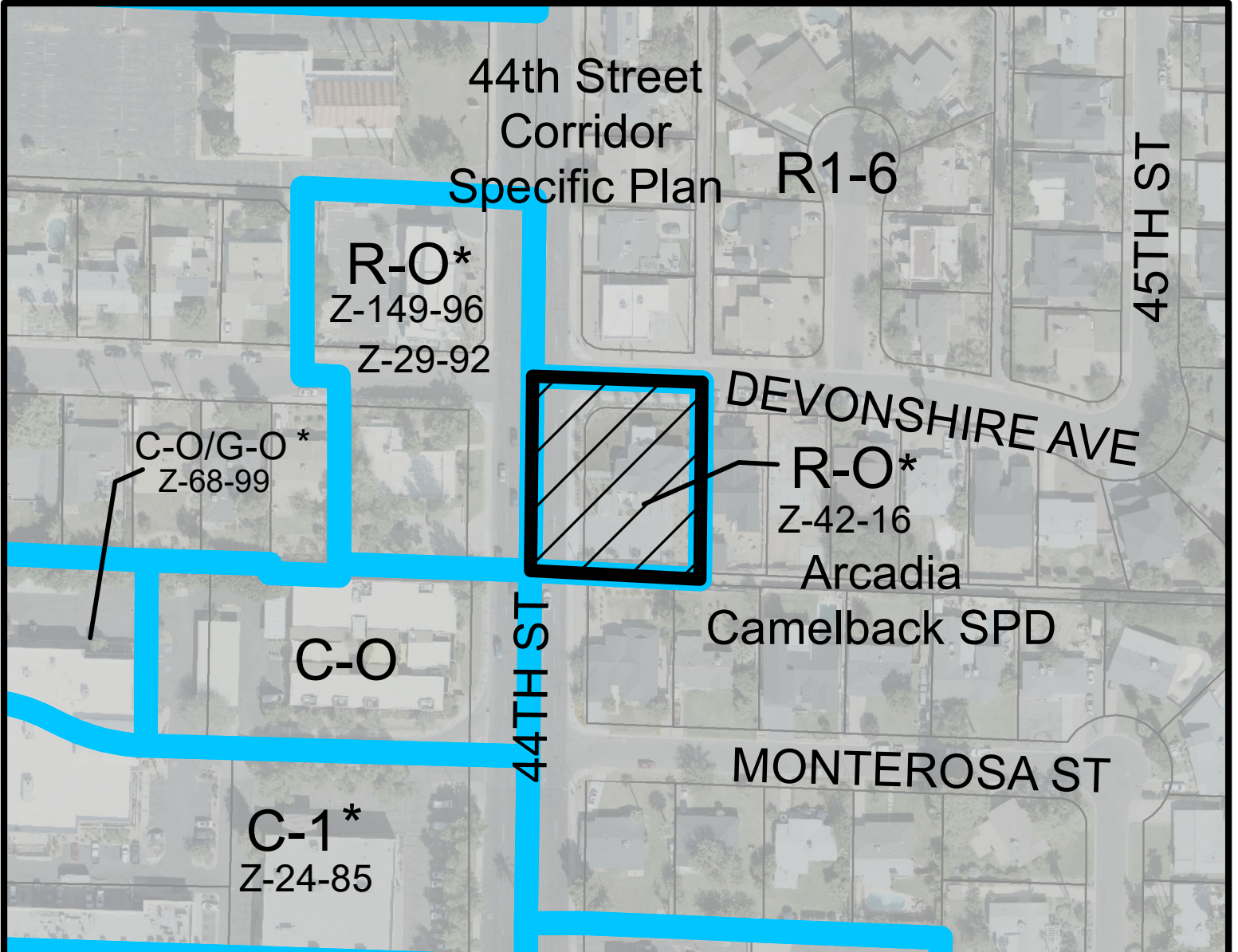


<b>APPLICANT'S NAME:</b> City of Phoenix Historic Preservation Commission Department		<b>REQUESTED CHANGE:</b> FROM: R-O ( 0.58 a.c.)  TO: R-O HP ( 0.58 a.c.)	
<b>APPLICATION NO.</b> Z-54-20	<b>DATE:</b> 10/09/2020 <b>REVISION DATES:</b>		
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>0.58 Acres</b>	<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> QS 17-38	<small>ZONING MAP</small> H-11	
<b>MULTIPLES PERMITTED</b> R-O R-O HP	<b>CONVENTIONAL OPTION</b> 1/development 1/development	<b>* UNITS P.R.D. OPTION</b> N/A N/A	

\* Maximum Units Allowed with P.R.D. Bonus



44th Street  
Corridor  
Specific Plan R1-6



C-O/G-O\*  
Z-68-99

R-O\*  
Z-149-96  
Z-29-92

DEVONSHIRE AVE

R-O\*  
Z-42-16

Arcadia  
Camelback SPD

C-O

44TH ST

MONTEROSA ST

C-1\*  
Z-24-85



Miles

0.025 0.0125 0 0.025

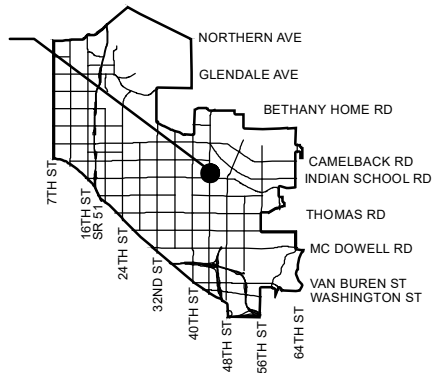
**CAMELBACK EAST VILLAGE**

CITY COUNCIL DISTRICT: 6



City of Phoenix  
PLANNING AND DEVELOPMENT DEPARTMENT

Z-54-20



**APPLICANT'S NAME:**

City of Phoenix Historic Preservation Commission Department

**REQUESTED CHANGE:**

FROM: R-O ( 0.58 a.c.)

**APPLICATION NO.**

Z-54-20

**DATE:**

10/09/2020

**REVISION DATES:**

GROSS AREA INCLUDING 1/2 STREET  
AND ALLEY DEDICATION IS APPROX.

0.58 Acres

AERIAL PHOTO &  
QUARTER SEC. NO.

QS 17-38

ZONING MAP

H-11

TO: R-O HP ( 0.58 a.c.)

**MULTIPLES PERMITTED**

R-O

R-O HP

**CONVENTIONAL OPTION**

1/development

1/development

**\* UNITS P.R.D. OPTION**

N/A

N/A

\* Maximum Units Allowed with P.R.D. Bonus

**Z-054-20-6**

Frank and Emma Avery House

4203 North 44th Street



**Photo 1.** 4203 N 44th St, looking east



**Photo 2.** 4203 N 44th St, looking southeast



**Photo 3.** 4203 N 44th Street, front entrance.



**Photo 4.** 4203 N 44th St, detail under port-cochere.