

## ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-2023-0115

HLC DATE: November 1, 2023

PC DATE: TBD

CC Date: TBD

ADDRESS OF PROPOSED ZONING CHANGE: 1193 San Bernard Street

APPLICANT: Trace Tankersley (property owner)

HISTORIC NAME: Mitchell House

WATERSHED: Boggy Creek

ZONING CHANGE: SF-3-NP to SF-3-H-NP; Central East Austin NP – Subdistrict 1

COUNCIL DISTRICT: 1

STAFF RECOMMENDATION: Staff recommends the proposed zoning change from single family-neighborhood plan (SF-3-NP) to single family-neighborhood plan-historic landmark (SF-3-H-NP) combining district zoning.

QUALIFICATIONS FOR LANDMARK DESIGNATION: Historical associations, community value, architecture

HISTORIC LANDMARK COMMISSION ACTION:

PLANNING COMMISSION ACTION:

CITY COUNCIL ACTION:

CASE MANAGER: Kalan Contreras, 512-974-2727

NEIGHBORHOOD ORGANIZATIONS: Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Del Valle Community Coalition, East Austin Conservancy, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Neighbors United for Progress, Organization of Central East Austin Neighborhoods, Preservation Austin, Residents of E 12th St, Robertson Hill Neighborhood Association, SELTexas, Sierra Club, Austin Regional Group

DEPARTMENT COMMENTS: The 2000 East Austin Historic Resource Survey recommends the property as contributing to potential local and National Register historic districts.

BASIS FOR RECOMMENDATION:

**§ 25-2-352(3)(c)(i) Architecture.** *The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; exemplifies technological innovation in design or construction; displays high artistic value in representing ethnic or folk art, architecture, or construction; represents a rare example of an architectural style in the city; serves as an outstanding example of the work of an architect, builder, or artisan who significantly contributed to the development of the city, state, or nation; possesses cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or represents an architectural curiosity or one-of-a-kind building.*

The house at 1193 San Bernard Street is a rare surviving example of a two-story T-plan house that was uncommon in Austin even at the time of its construction in 1895. The house has two full stories, a front porch, and a combination of hipped roofs, reflecting a vernacular adaptation of Queen Anne design principles.<sup>1</sup>

The historic zoning application provides a thoughtful explanation on how T-plan houses, in particular 1193 San Bernard Street, fit into Austin's architectural history as a significant building type:

Sanborn maps [relate] the original appearance and configuration of the house, which has largely remained the same in the front. The house at 1193 San Bernard retains a high degree of integrity, and the balusters and rails on the porches

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<sup>1</sup> Tankersley, Trace T. Historic Zoning Application, C14H-2023-0015, 1193 San Bernard Street. 2023.

have been restored [...] T-plan houses like 1193 San Bernard St. are most often found in urban areas as an alternative to the more common L-plan type dwelling, though they are much less common... Possibly evolved from the Center-Passage plan type, T-plan houses were built from the 1880s to the early 1900s. They are customarily of wood frame construction with horizontal weatherboard siding... The configuration is achieved by the intersection of two gabled wings. The house type is distinguished by its front projecting center wing. 1193 San Bernard St. retains the feel of a two-room center hall design as one enters the house. Like L-plan houses, T-plan dwellings often display stylistic features associated with the Queen Anne style. However, T-plan house architects considered the extravagant window moldings and roof lines of previous Victorian influences to be pretentious and favored simpler facades. Common architectural elements include porches with turned wood supports and wood flooring, jigsaw brackets, and spindle friezes that extend around the front wing. The porch at 1193 San Bernard St. remains an example of this T-plan style, and the house's front-facing configuration is largely intact, including the expansive front porch with decorative spindles... Few T-plan houses in East Austin remain in pristine condition, between the weather and the inability of owners to maintain or replace wooden surfaces or structural elements over time... It is fortunate that 1193 San Bernard remains identifiable as an exemplary model of a T-plan house from the late 19th century.<sup>2</sup>

**§ 25-2-352(3)(c)(ii) Historical Associations.** *The property has long-standing significant associations with persons, groups, institutions, businesses, or events of historic importance which contributed significantly to the history of the city, state, or nation; or represents a significant portrayal of the cultural practices or the way of life of a definable group of people in a historic time.*

1193 San Bernard Street is associated with numerous leaders in the Black community during the 20<sup>th</sup> century, and its residents stood at the center of the Civil Rights movement in Texas and the United States. The Mitchell family, noted educators, philanthropists, and medical providers to the African American community in segregation-era Austin, were also close friends and staunch supporters of future U.S. Supreme Court Justice Thurgood Marshall, who resided in their home during the landmark *Sweatt vs. Painter* case. Marshall argued against the University of Texas' racist admittance policies as the chief counsel for the NAACP and won a long-awaited victory for racial equality in public education. The application describes the home's connections to the Mitchells and Marshall as follows:

1193 San Bernard St. relates the entire social history of East Austin and is especially notable for its important role in the civil rights history of Austin, the University of Texas, the State of Texas, and the United States...

Lewis M. Mitchell Sr. and his wife Annie Scott Mitchell moved into 1193 San Bernard St (then 1185 San Bernard St.) in 1901... Mitchell served as Grand Chancellor of the Knights of Pythias, an African American fraternal organization, and helped to establish Bethany Cemetery in East Austin...

Dr. Lewis M. Mitchell, Jr. and Carolyn Mitchell lived in the house at 1193 San Bernard St. from their marriage until his sudden death in 1954... During their time on San Bernard Street, they were pillars of their community. Dr. Mitchell owned and operated a dental practice on East 13th and was the dentist for Samuel Huston College and the Texas Blind, Deaf, and Orphan School. He served as dental chairman of the Lone Star State Medical, Dental and Pharmaceutical Association. Mitchell was a founder and chairman of the national dental clinic at Tuskegee and was eventually elected national president... He was a prominent officer of Alpha Phi Alpha fraternity, [directing] their Southwest regional office ... [Mitchell was a] pianist and skilled composer with many original compositions, one of which... became a national hit. Mitchell was also a philanthropist... his obituary reports his funeral was among the most highly attended in Austin's history.

Professor Carolyn Mitchell was originally from Massachusetts... She taught at Samuel Huston College and [directed] the department of drama and physical education at Tillotson College. Carolyn Mitchell was a talented writer [and biographer].

The Mitchells' home at 1193 San Bernard St. was the central location for the preparation of the plaintiff's case in *Sweatt v. Painter*. This landmark civil rights case led to the end of segregation at the University of Texas and constituted a critical step toward the eventual invalidation of the "separate but equal" doctrine in American jurisprudence. In 1946, Heman Sweatt's application to the all-white University of Texas Law School was rejected based on his race, as he met all other eligibility requirements for admission... Represented by [NAACP] counsel, Sweatt sued... The district court trial took place in Austin in May of 1947. Jim Crow laws of the time forced Sweatt's team of lawyers, [including] future United States Supreme Court Justice Thurgood Marshall, to reside in the homes of community members. The Mitchells welcomed Marshall and his team into their home on San Bernard Street, where they held mock trials, planned strategy, interviewed their witnesses, and prepared Sweatt for his testimony. Community members also gathered at the house in the evenings to discuss current issues and interact with the well-known Marshall, then chief counsel for the NAACP. The case was ultimately decided in the United States Supreme

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<sup>2</sup> Ibid.

Court, which held that the Equal Protection Clause of the Fourteenth Amendment required the University of Texas to admit Heman Sweatt.

[...] Author Gary Lavergne describes the Mitchell House at 1193 San Bernard St., and its role in the case. “Robertson Hill was a different place in the 1940s, when the house belonged to Dr. Lewis Mitchell and his wife, Carolyn. Thurgood Marshall stayed here during the *Sweatt v. Painter* trial and on other visits to Austin. Just around the corner at 1209 East 12th Street is where Heman Sweatt lived when he entered the UT Law School, and across the street from where Dr. Mitchell had his dental practice. Robertson Hill is now valuable real estate...As of September 23, 2008, there was nothing to signify 1193 San Bernard Street as the place where, every evening, from May 11 through May 16, 1947...Marshall and other lawyers prepared witnesses and formulated legal tactics...for *Sweatt v. Painter*” (Lavergne, 2010).

Thurgood Marshall grew close to the Mitchells. He sent printed record copies of the *Sweatt v. Painter* case [only] to recipients he believed were critical to victory [including the Mitchells].Lavergne’s *Before Brown* provides additional context for their relationship and the case: “To Thurgood Marshall, who was doing a job that required 50,000 miles of travel each year to areas with no ...accommodations for a professional black man...Lewis and Carolyn Mitchell ... reminded him and his lawyers that the people they were representing deserved the investment, sacrifice, and pain they endured. [...] The Mitchells made Marshall as comfortable as he could be made in a state that did not want him; they made him laugh during a time where almost nothing was funny. He sipped their whiskey, ate their food, and sang songs with them. For Marshall, a man who often seemed on the verge of physical exhaustion ... the Mitchells were more than just gracious hosts. Before the end of the Sweatt case, Marshall was calling Carolyn Mitchell his ‘Mama’” (Lavergne, 2010).

Thurgood Marshall became a fixture in the Mitchell household, and...[he] received correspondence addressed to him as an occupant of 1193 San Bernard St. regarding the NAACP’s ongoing legal efforts to dismantle segregation. In 1967, President Lyndon B. Johnson appointed Thurgood Marshall to the United States Supreme Court, the Court’s first Black Justice. By that time, Marshall had tried and prevailed in many civil rights cases, including the landmark case of *Brown v. Board of Education of Topeka*, whereby the separate but equal doctrine was held unconstitutional, resulting in the beginning of the end of racial segregation in public schools. <sup>3</sup>

**§ 25-2-352(3)(c) (iv)Community Value.** *The property has a unique location, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, a neighborhood, or a particular group.*

The application for historic landmark designation notes the building’s distinct community value as a nexus of the local, state, and national Civil Rights Movement, as well as its continued importance to the community today. “1193 San Bernard St. remains a vital part of the Robinson Hill neighborhood and East Austin today. Six Square, a nonprofit with a mission to celebrate and preserve the arts, culture, and history of Central East Austin, conducts a regular tour for the public that features 1193 San Bernard as one of the attractions in the Six Square District. It is regarded as a landmark...its occupants have always been invested in and part of the historic fabric and preservation of the Robertson Hill community.”<sup>4</sup>

PARCEL NO.: 0207080702

LEGAL DESCRIPTION: 50 X 175 FT OF LOT 1 BLK 8 OLT 56 DIV B ROBERTSON GEO L SUBD

ESTIMATED ANNUAL TAX EXEMPTION (homestead, capped):

<u>AISD</u>	<u>COA</u>	<u>TC</u>	<u>TC Health</u>	<u>Total</u>
\$3,500.00	\$2,500.00	\$1,989.67	\$616.98	\$8,606.66

APPRAISED VALUE: \$1,006,516

PRESENT USE: Residence

DATE BUILT: ca. 1889

INTEGRITY/ALTERATIONS: High to moderate. Porch modifications took place during the historic period, likely during the Mitchells’ tenure at the house, thereby gaining significance in their own right. Though a modern rear addition and new

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

windows have been added to the house, neither significantly affect the building's overall integrity of form as a T-plan house, nor do they diminish its ability to convey its extraordinary history as a crucial part of the Civil Rights movement. Decorative details and original exterior materials have been restored.

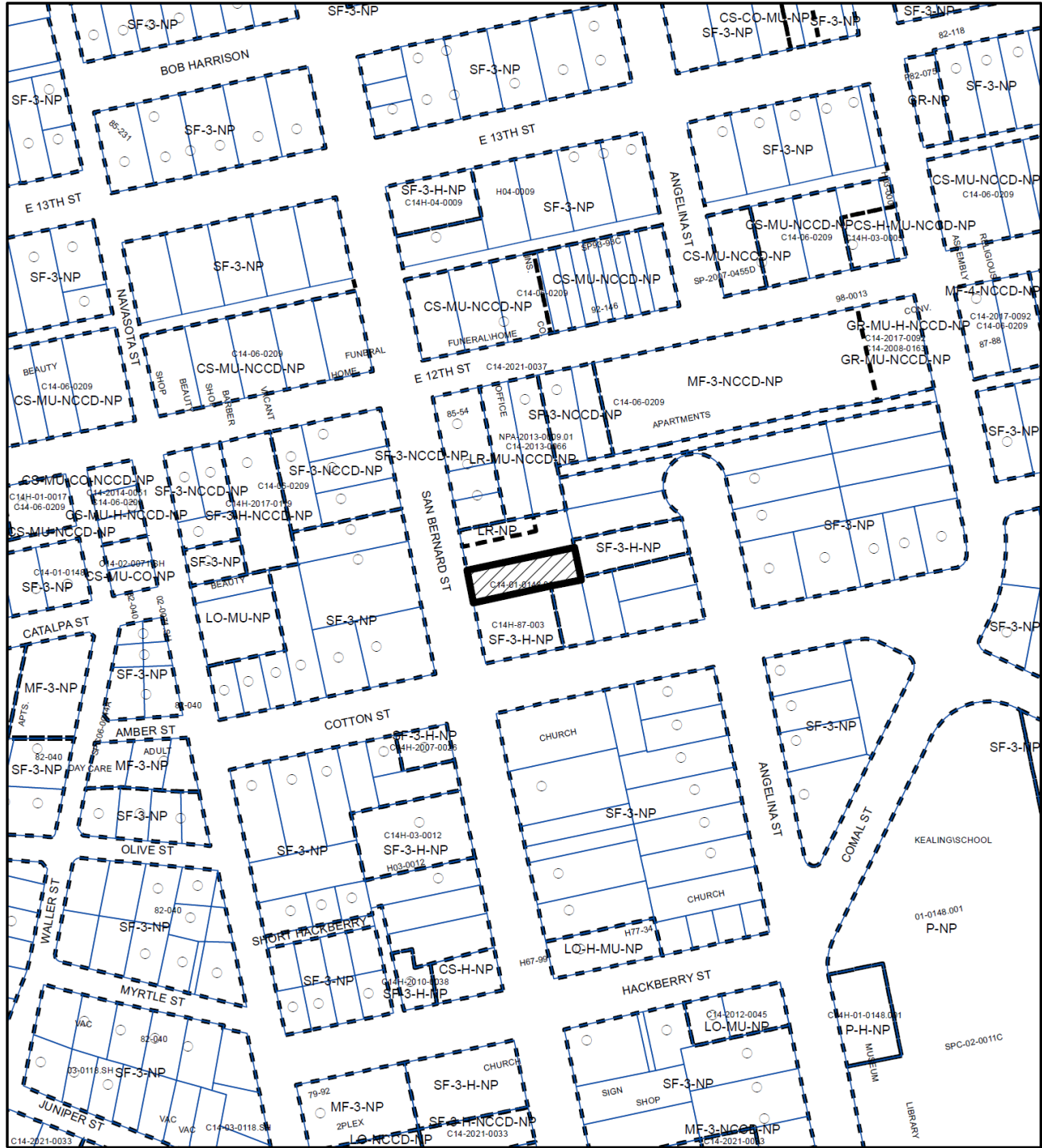
PRESENT OWNERS: Trace Tankersley, 1193 San Bernard St., Austin, TX 78702




ORIGINAL OWNER(S): Henry Burton

OTHER HISTORICAL DESIGNATIONS: None



# LOCATION MAP



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

## HISTORIC ZONING

ZONING CASE#: C14H-2023-0115

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