



# Milwaukee Historic Preservation Commission Staff Report

## LIVING WITH HISTORY

<b>HPC meeting date</b>	9/11/2023	CCF #230584
<b>Ald. Bauman</b>	<b>Staff reviewer:</b> Tim Askin	
<b>Property</b>	266 E Erie, Foley/Miller Tavern	
<b>Owner/Applicant</b>	General Capital	General Capital & TKWA

### Proposal

Demolish the building and replace it with a new four-story building

### Staff comments

HPC can only review the demolition and has no role in the review of any replacement building. The Third Ward ARB retains control of all design review.

This building is one of the most significant buildings in the Third Ward; the National Register listing declared it “pivotal.” It is one of a handful of survivors of the 1892 fire and the only one representing the residential portion of the neighborhood. It is one of the only buildings directly associated with the Irish era of the Third Ward. Before the fire of 1892, the Third Ward had been a heavily Irish neighborhood. The Italian association with the Third Ward came only after the fire. The building is one of few survivors of the LGBTQ+ history of the Third Ward. Most of the LGBTQ+ sites were lost to the construction of Interstate 794.

Applicants argue a case based that has any strength in the area of condition. Staff do not find it persuasive for reasons outlined below. Fines have been accruing since 2017 because of the state of neglect and disrepair. The current fine balance is \$4,673.60.

### Timeline

1883-1884: Irish widow Catherine Foley purchases land, constructs building, and resides on site above the tavern

1892: Third Ward Fire

1912: Miller Brewery adds rear addition

1922: Miller subsidiary sells to John Mortle

1972: Wreck Room leather bar move in

1996: MIAD acquires building for student recreation center

2013: Fire

2014 A: MIAD and General Capital announce plans for redevelopment.

B: Designation with HPC is filed and withdrawn

2015 Designation re-filed. Third Ward ARB endorses designation. Designation approved 6-0 by HPC. The ownership did not attend the HPC hearing. Third Ward BID ED Nancy O’Keefe testified in favor of the designation. Designation approved 4-0 at council committee. Designation approved 12:0 at Common Council. Signed by Mayor. No written or oral testimony was ever submitted in opposition to the designation.

2017: Order to compel repairs (basis of current fines)

2023: Three requests for condemnation are made by ownership or ARB representatives. A different inspector responded to each complaint and none found the building to meet the standard for condemnation.

### Demolition Criteria

1. Condition. Condition is substantially unchanged from the time of the 2013 fire. In fact, the lack of change since post-fire conditions argues against approving demolition based on its condition. The building has been vacant with no efforts to repair it since the fire in 2013. Holes remain in the roof from the fire and no permits have been obtained for repair work. The building was boarded and no other preservation attempted. There is no record of

any repairs in the past decade. The ownership has not paid over \$4000 in accrued fines. This criterion is not met.

2. Importance. Ms. Carlen Hatala's designation report demonstrates this. Highlights are included as an appendix. The significance is unparalleled within the district. Applicants argue that architecture was not one of the criteria for designation. Architectural quality is not the only reason to save a building. Buildings tell the story of people and places. This body has designated the Pryor Avenue Iron Well and the Gettelman Brewery; their design is irrelevant to their importance. This criterion is not met.
3. Location. This speaks to whether the building contributes to the sense of character for the area and the general street appearance and whether it has a positive effect on other buildings in the area. The tavern's location and siting as a visual landmark was one of criteria the building met for its designation. Any detrimental effect to the neighborhood induced by the building is the result of the owner's neglect. The status under this criterion is unchanged from the time of designation. This criterion cannot be met.
4. Potential for restoration. Consideration may be given to the cost of repairs and whether they are "economically feasible." A full plan for repair was produced in 2018 and filed for permitting. Permitting fees were never paid and the project was not adopted. And again, the failure to make any repairs 10 years after the fire speaks against giving this criterion weight.
5. Additions. There is an addition to the rear from 1912 when Miller Brewery took over the operation of the tavern as a tied house. It is architecturally compatible, barely discernible as an addition from the exterior, and has contributed to the building's character for most of its existence. The addition does not meet the criterion for demolition independent of the rear addition.

The ordinance criteria for demolition are similar to those of the designation above:

- h-1 Importance, see above. This criterion is not met.
- h-2 Not applicable
- h-3 Whether demolition is contrary to the purpose and intent of the ordinance. Demolition is contrary to the intent of stated policy defining preservation as a public benefit promoting the general welfare of the people. There has been no effort by the ownership to preserve or maintain the building.
- h-4 Difficulty of reproduction due to unusual design. The detailing is unusual and there are few local masons skilled enough to reproduce the thin original mortar joints. This criterion is not met.
- h-5 Encouragement of the study of history, architecture, design, and American culture. There is much more to learn from this building. The story of the Irish Third Ward has not been adequately told. Ms. Hatala's brief study of the LGBTQ+ history of the site is the majority of what is available. Some further study has been done, but it is far from complete. This criterion is not met.
- h-6 Whether this is a case of demolition by neglect. Failing 51 inspections regarding required repairs constitute failure to maintain the building to a minimum standard, which is our definition of demolition by neglect. This criterion is not met.
- h-7 Not applicable

None of the criteria for demolition are met.

## **Recommendation**

Recommend denial

## Appendix: Designation Highlights

### *National Register*

The buildings designated as pivotal have been designated as such for two reasons. Some have architectural significance as fine, turn-of-the-century examples of warehouse and industrial design, usually with well-executed architectural details. Many have historical significance as the homes of major industrial or wholesale trade concerns in the city of Milwaukee.

This picturesque saloon survived the 1892 fire. Dwarfed by the warehouses around it, it recalls the days when the neighborhood consisted of large warehouses and tiny white frame houses with lilacs in their front yards.

### *Local Designation*

The Catherine Foley Building / Miller Brewing Company Tavern is recognized in the 1983 national register nomination as a pivotal building in the Third Ward National Register Historic District. Its small scale is representative of the Third Ward before the great fire destroyed most of the buildings in 1892. Its Italianate style may seem a little behind the times for 1884 but this was built with hints of the Queen Anne style that was to achieve greater prominence as the 1880s progressed. Those few nods include the corner turret and the ornamental banding that occurs in the brick. Rather than a full blown tower, this turret accents the prominent location at the intersection of 2 streets.

Surrounded by the larger buildings constructed after the 1892 fire, the Catherine Foley / Miller Brewing Company Tavern with its more diminutive form, its rooftop turret and its triangular form is definitely one of the eye-catching building in the district.

It is also significant for its ability to tell the story of an Irish immigrant family and that family's neighbors before the Third Ward fire. Running a saloon and boarding house seemed to be one common way to make ends meet for those who were widowed or disabled . This is possibly one of the few surviving buildings that can be directly associated with the Irish immigrant community in the Third Ward, a community that was by all accounts, vibrant and active in social causes and political life.

The building's ownership and expansion by the Miller Brewing Company demonstrates that the company, although in fifth place in beer production by the early 1890's, nevertheless followed the practice of its competitors by acquiring existing buildings for saloons or constructing buildings of their own design that would serve as outlets for their product. Newspaper articles mention that corner lots were most desirable and that the breweries liked building their own saloons to avoid the sleazy shanties many private saloons became. After the Third Ward fire of 1892, Miller is shown to have had at least seven properties in the Third Ward alone. This practice was ended with Prohibition. In this instance, Miller acquired a fine masonry building, presumably with a good reputation.

For just over twenty years, the Foley/Miller building served as a social center for the LGBT community. Along with two other bars, the M & M and the Factory, this provided a destination for Milwaukee's gay community in the Third Ward and illustrates the emergence of a vibrant and active community.