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## Historic Landmarks and Preservation Districts Commission

### Certificate of Appropriateness Report of the Committee

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To: Mary Jo Zipperle  
Thru: Cherokee Triangle Architectural Review Committee  
From: Savannah Darr, Historic Preservation Specialist  
Date: May 9, 2016

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**Case No:** 16COA1055  
**Classification:** Committee Review

#### GENERAL INFORMATION

**Property Address:** 2213 Patterson Avenue

**Applicant:** Mary Jo Zipperle  
2213 Patterson Avenue  
Louisville, KY 40204  
502-648-0485  
[mjzipperle@gmail.com](mailto:mjzipperle@gmail.com)

**Owner:** same as applicant

**Contractor:** Greenscapes Lawn and Landscaping

**Estimated Project Cost:** TBD

#### **Description of proposed exterior alteration:**

The applicant seeks approval for an after-the-fact retaining wall along the front yard at the public sidewalk. The wall is constructed of stacked rusticated block and is approximately 27" in height. A flat concrete block cap was laid on top of the wall. The sides of the wall are staggered toward the front of the home.

#### **Communications with Applicant, Completion of Application**

The application was received on March 25, 2016 after the owner received a notice of violation letter. Staff conducted a site visit on March 15, 2016 after receiving calls from neighbors about unapproved retaining walls in the area. Staff reviewed the case files for all affected addresses and had violation letters sent to those homeowners.

The Cherokee Triangle ARC met on April 27, 2016 with the meeting commencing at 4:38 pm with committee members Monica Orr, Jim Mims, and Christopher Quirk present and Michael Gross presiding as chair. This was the fourth of eight

cases to be heard. Mary Jo Zipperle, the applicant and homeowner, was present. Ms. Darr presented the case for the after-the-fact approval of the retaining wall and recommended approval with modifications. Ms. Zipperle explained that she built her wall due to the slope and her inability to mow the grass well. Jennifer Schultz of 1248 Bassett Avenue expressed concerns about the ramifications of the ARC approving after-the-fact retaining walls when she was told she could not build a wall in her COA application. She also had broader concerns about the COA process being followed and the lack of code enforcement. Monica Deschler of 1135 Everett Avenue also spoke against the project. Mr. Quirk, Ms. Orr, and Mr. Gross again expressed concerns over the after-the-fact walls as they affect the pattern of slope throughout the neighborhood. Mr. Mims made a motion to approve the staff report and staff's conditions of approval. There was no second. Mr. Quirk made a motion to remove the wall altogether and add a low curbing along the sidewalk not to exceed 6" in height. Ms. Orr seconded the motion. The motion carried with 3 ayes and 1 nay.

## **FINDINGS**

### **Guidelines**

The following design review guidelines, approved for the Cherokee Triangle Preservation District, are applicable to the proposed exterior alteration: **Site**. The report of the Commission Staff's findings of fact and conclusions with respect to these guidelines is attached to this report.

The following additional findings are incorporated in this report:

### **Site Context/Background**

The R5B zoned property in the Traditional Neighborhood Form District is located on the northwest side of Patterson Avenue on the third lot southwest of Hilliard Avenue. The home is a two-story gambrel front frame home. The surrounding buildings are predominately one and two-story frame homes.

### **Conclusions**

The proposed retaining wall generally meets the **Site** guidelines for the Cherokee Triangle Preservation District. The particular style of rusticated block and its stacking pattern are not appropriate for the District. However, since this is an after-the-fact application, staff recommended approval as long as the applicant removed one coursing of block from the front height and along the stairs to reduce the height and visual impact of the wall and stair walls along the street. The Cherokee Triangle ARC determined that the wall was too inappropriate for the neighborhood and changed the topography of Patterson Avenue too greatly. The wall shall be removed altogether, and small curbing, not to exceed 6" in height, shall be constructed along the sidewalk. This curbing can be a stone, brick, or concrete material.

## DECISION

Considering the information furnished, the Committee recommends the application for a Certificate of Appropriateness be **approved** with the following conditions:

1. The wall shall be removed altogether.
2. Small curbing, not to exceed 6" in height, shall be constructed along the sidewalk. This curbing can be a stone, brick, or concrete material.
3. The applicant shall work with staff on the final design.

*The foregoing information is hereby incorporated in the Certificate of Appropriateness as approved and is binding upon the applicant, his successors, heirs or assigns. This Certificate does not relieve the applicant of responsibility for obtaining the necessary permits and approvals required by other governing agencies or authorities.*

  
Michael Gross  
Presiding Chair

May 10, 2016  
Date

## Attached Documents / Information

1. Staff Guideline Checklist
2. Applicant submitted Information Including Plans and Photographs

## SITE

### Design Guideline Checklist

- + Meets Guidelines
- Does Not Meet Guidelines
- +/- Meets Guidelines with Conditions as Noted
- NA Not Applicable
- NSI Not Sufficient Information

|     | Guideline                                                                                                                                                                                                       | Finding | Comment                                                                               |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------------------------------------------------|
| ST1 | Consider the relationships that exist between the site and structure when making exterior alterations. Changes to one will affect the other. A primary goal should be to maintain a complementary relationship. | -       | This wall design does not present a historically appropriate element along the street |
| ST2 | Retain established property line patterns and street and alley widths. Any replatting should be consistent with original development patterns.                                                                  | NA      |                                                                                       |
| ST3 | Use paving materials that are compatible with adjacent sites and architectural character.                                                                                                                       | NA      |                                                                                       |

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|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------------|
| <b>ST4</b>  | Restore and reuse historic paving materials for streets and sidewalks such as brick and hexagonal pavers and limestone curbing. Maintain original curbing whenever possible. The historic relationship between the road surface and edging should be preserved. Any replacement should use historic materials. If replacement with original materials is not technically or economically feasible, a substitute material may be used if it duplicates the color, texture, and visual appearance of the original. | NA  |                                                                                    |
| <b>ST5</b>  | Maintain brick, stone, or poured concrete steps wherever present. If replacement is required, original materials should be used. New construction should incorporate steps on blocks where they are a character-defining feature.                                                                                                                                                                                                                                                                                |     |                                                                                    |
| <b>ST6</b>  | Do not harm historic resources through road widening or underground utility repair.                                                                                                                                                                                                                                                                                                                                                                                                                              | NA  |                                                                                    |
| <b>ST7</b>  | Locate driveways, parking areas, and loading docks to the side and rear of properties. Access from alleys is preferred.                                                                                                                                                                                                                                                                                                                                                                                          | NA  |                                                                                    |
| <b>ST8</b>  | Maintain original front yard topography, including grades, slopes, elevations, and earthen berms where present. New construction should match the grade of adjacent properties. Do not recontour front-yard berms into stepped terraces, using railroad ties, landscape timbers, or any other historically-inappropriate material for retaining walls.                                                                                                                                                           | -   | The stacked block is not a historically appropriate material                       |
| <b>ST9</b>  | Do not carry out excavations or regrading within or adjacent to a historic building, which could cause the foundation to shift or destroy significant archeological resources.                                                                                                                                                                                                                                                                                                                                   | NA  |                                                                                    |
| <b>ST10</b> | Do not install masonry walls in street-visible locations unless they are used to retain earth at changes in grade, screen service areas, or unless a historic precedent exists.                                                                                                                                                                                                                                                                                                                                  | +/- | Large slope in the yard so the wall holds earth—no historic precedent for the wall |
| <b>ST11</b> | Use materials that match existing sections of historic fencing in material, height, and detail when carrying out limited replacement projects. If an exact match cannot be made, a simplified design is appropriate.                                                                                                                                                                                                                                                                                             | NA  |                                                                                    |
| <b>ST12</b> | Use materials that match the existing character of the original when replacing retaining walls or curbing. If an exact match cannot be made, a simplified design is appropriate.                                                                                                                                                                                                                                                                                                                                 | NA  |                                                                                    |
| <b>ST13</b> | Install only historically-compatible iron fencing under 2'-5" in height where there is demonstrable historic precedent.                                                                                                                                                                                                                                                                                                                                                                                          | NA  |                                                                                    |
| <b>ST14</b> | Do not install front-yard fencing where there is no historic precedent.                                                                                                                                                                                                                                                                                                                                                                                                                                          | NA  |                                                                                    |
| <b>ST15</b> | Install any rear- or side-yard privacy fencing so that it is set back from the side wall at least two feet and presents the finished side out. Any privacy fencing should be less than seven feet in height. Contact the Department of Inspections, Permits, and Licenses regarding additional restrictions on fencing at corner properties.                                                                                                                                                                     | NA  |                                                                                    |
| <b>ST16</b> | Do not install chain-link, split-rail, or woven-wood fencing, or concrete block walls in areas that are visible from a public way. Opaque fencing, such as painted or stained pressure-treated wood, may be permitted with appropriate design.                                                                                                                                                                                                                                                                   | NA  |                                                                                    |
| <b>ST17</b> | Use understated fixtures when installing any type of exterior lighting. Fixture attachment should be done so as not to damage historic fabric. Fixtures should not become a visual focal point.                                                                                                                                                                                                                                                                                                                  | NA  |                                                                                    |
| <b>ST18</b> | Do not light parking areas or architectural features in a harsh manner. Generally, an average illumination level of 1.5 to 2.0 foot-candles will be sufficient. Light should be directed down and away from neighboring properties.                                                                                                                                                                                                                                                                              | NA  |                                                                                    |
| <b>ST19</b> | Parking lots of a certain size should have a portion of the parking area dedicated to plantings that will soften the expanse of paving. See the Jefferson County Development Code - Requirements for Landscaping and Land Use Buffers for specific requirements.                                                                                                                                                                                                                                                 | NA  |                                                                                    |

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|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--|
| <b>ST20</b> | Use high-pressure sodium or metal halide lights to create a soft illumination where site or streetscape lighting is desired.                                                                                                                                                                                                                                                                                                                                                                                                                                    | NA |  |
| <b>ST21</b> | Position fixtures, such as air conditioning units, satellite dishes, greenhouse additions, and overhead wiring, on secondary elevations where they do not detract from the character of the site. Try to minimize noise levels to adjacent properties.                                                                                                                                                                                                                                                                                                          | NA |  |
| <b>ST22</b> | Preserve large trees whenever possible and enhance established street tree patterns by planting additional trees along public rights-of-way. Consult the city arborist to determine what tree species are suitable for placement near overhead wires. Select and place street trees so that the plantings will not obscure historic storefronts once mature. Removal of trees within or immediately adjacent to a public right-of-way or within public open spaces requires review unless directed by the city arborist for emergency or public safety reasons. | NA |  |
| <b>ST23</b> | Ensure that all proposed cellular towers and associated fixtures will be properly screened from view.                                                                                                                                                                                                                                                                                                                                                                                                                                                           | NA |  |
| <b>ST24</b> | Install utility lines underground whenever possible.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | NA |  |