

## Wagner, David B

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**From:** jdm@johndavidmyles.com  
**Sent:** Tuesday, November 29, 2016 8:52 AM  
**To:** Wagner, David B  
**Attachments:** KALORAMA.docx

November 29, 2016

Sent at Peter Morrin's request.

John David Myles

## KALORAMA

Kalorama merits preservation at one level simply because it has survived so long – any building which has survived 180 years should not be discarded without a serious reason. It is a significant reminder of the growth of Jefferson County from a wilderness outpost to a thriving agricultural and commercial community by the second quarter of the 19<sup>th</sup> century. However, Kalorama has so much more than mere age to recommend it.

As a house, it is of a rare form in Jefferson County, a double-pile cottage on a raised basement. Locally, the only other truly comparable surviving house is the Bates or Howard place on Bates Court off Barrett Avenue. Sitting atop its raised basement, Kalorama is a descendant of Farmington and a precursor of Selema Hall on Reidling Drive off Brownsboro Road. This was a form more popular in central Kentucky where such fine houses as the Escondida, Xalapa, the Cleveland-Rogers house, Governor Thomas Metcalfe's Forest Retreat, and the Judge John Boyle house dotted the Bluegrass. Nearby, the 1817 Old Stone Inn in Simpsonville is another early example of the form. Although Lexington's Major Thomas Lewinski gave it his best for Mansfield, the magnificent house he designed for Henry Clay's son, Thomas Hart Clay in 1845, the form did not lend itself to the monumentality required of the Greek Revival and thus gave way to verticality required to build a temple, even if it was your house.

In this context, Kalorama should be seen as a transitional house. In *The Architectural History of Louisville*, Sam Thomas placed it in his Chapter on Federal or Early Classical Architecture while Selema Hall built some four years later in 1838 is in his Greek Revival chapter. Kalorama's doors with five graduated horizontal panels and its woodwork with reeded casings and bull's eye corner blocks fit well within the late Federal style of the 1830s. However,

the large windows, originally with six-over-six double hung sash are clearly of a scale associated with the Greek Revival and some of the old sash retain their original mottled glass. The front and rear entrances feature rectangular transoms and sidelights which are much more in keeping with the proportions of the Greek Revival although they again incorporate bull's eye details. This same dichotomy prevails on the exterior above all the openings of the house where lentils have replaced the earlier Federal jack arch but again incorporate the bull's eye motif. The doors with two vertical panels in the lower level are another feature associated with the Greek Revival. The stairway retains the slender straight balusters of the Federal style but is placed in an unusual location, in the rear half of the center hall, rising from the back, rather than the front of the house.

One can comment about all of this because it is still there. Kalorama has undergone many changes since it was built, but with the exception of one chimney and its mantels, the original house is still there. Even the original tongue and groove floors can be seen from the lower level despite being covered with strip oak in the early 20<sup>th</sup> century. Its current porch, overhanging eaves, and various dormers have all been added but, strip them away, and there remains a rare and fine 1830's house. The best news is that there is an extant photograph showing the original single bay porch. Because of its locally rare architectural form and remarkably intact details, Kalorama is truly a landmark in the architectural history of Jefferson County.

It should also be recognized as a landmark because of its associations with one of the Kentucky and Louisville's most prominent citizens who left a mark on a number of Kentucky communities and spent his later years on the national stage as Presiding Bishop of the Episcopal Church in the United States. The Reverend Benjamin Bosworth Smith was born in Bristol,

Rhode Island, in 1794. He graduated from Brown University and embarked upon a career as an Episcopal rector, serving in Virginia, Vermont, and Philadelphia prior to becoming the rector of Christ Church in Lexington in 1830. He was consecrated the first Episcopal Bishop of Kentucky in 1832. His actions during the cholera epidemic there are memorialized in Kerr's 1922 *History of Kentucky* where it was reported that individuals were doing the most to help those afflicted with the disease. "First and foremost, on this list, is Bishop Smith of the Episcopal Church, who, in body, is but the skeleton of a man but in heart and soul, a giant in every good word and work. His whole time, day and night, rain or shine, has been devoted to the consolation of the dying, or the funeral services of the dead. From early dawn to midnight he has been constantly on his feet, or on his knees; and to me it seems a miracle, that he is still on duty, as bright as ever!"

Smith continued as rector of Christ Church and Bishop of Kentucky until 1838 when he resigned from Christ Church. From 1840 to 1842, he served as Superintendent of Public Instruction for the Commonwealth of Kentucky. One of his primary interests was the education of women and it was for that purpose that he purchased Kalorama where, with his wife, he ran a school for girls. He remained in Louisville until shortly after the War Between the States when he moved to Frankfort. However, in 1868, he became presiding bishop or head of the national Episcopal church and spent much time thereafter in New York until his death in 1884. He is buried in Frankfort.

Bishop Smith was also a practicing if not licensed architect. Rexford Newcomb, in his pioneering 1953 *Architecture in Old Kentucky*, relays that Smith designed St. Philip's in Harrodsburg and "carved the model for it with his pen knife." Clay Lancaster attributes the spire at Trinity Church in Danville to his hand and he is said to have carved various furnishings for the Church of the Ascension in Frankfort. Based on the arrangement of triple lancet windows in the

chancels at Trinity and St. Philip's, it has been suggested that he was also involved in the design of St. James, Shelbyville.

At Kalorama, he almost certainly designed the surviving kitchen addition with its chamfered corners and the similar addition shown on the front right corner in a 1911 photograph. While the front addition has been removed, it had the same angled corners as the kitchen addition and the same scalloped barge boards as his study which is now located at St. Francis in the Fields on Wolf Pen Branch Road. It's a safe bet that the kitchen addition once had the same barge boards.

Smith was a remarkable man of statewide and national prominence and provides another reason for preservation of Kalorama. It is a rare house, was home to a remarkable man, and is a fine example of an architectural form rarely seen in Jefferson County. The decision of Landmarks Commission that it should be preserved as a significant part of Louisville Metro's heritage was clearly correct and should be affirmed by Metro Council.

John David Myles

November 29, 2016

## Wagner, David B

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**From:** shellie nitsche <snitish@twc.com>  
**Sent:** Tuesday, November 29, 2016 9:53 AM  
**To:** Wagner, David B  
**Subject:** SUPPORT OF THE TREMONT LANDMARK DESIGNATION

As a strong supporter of preservation and the Landmarks Commission, I support its recommendation to designation the Tremont House as an individual landmark.

I encourage all Metro Council members to rely on the Commission's knowledge and expertise concerning this case and to vote against overturning the designation.

Sincerely,

Shellie Nitsche  
Highlands-Douglass Neighborhood 40205

## Wagner, David B

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**From:** Ford, Will F  
**Sent:** Tuesday, November 29, 2016 8:42 AM  
**To:** Stephen Peterson; Wagner, David B  
**Subject:** RE: Tremont DR Landmark Case

Stephen,

I have provided your note to the Historic Preservation Officer.

----- Original message -----

From: Stephen Peterson <[stephen\\_peterson@icloud.com](mailto:stephen_peterson@icloud.com)>  
Date: 11/29/16 8:29 AM (GMT-05:00)  
To: "Wagner, David B" <[David.Wagner@louisvilleky.gov](mailto:David.Wagner@louisvilleky.gov)>, "Ford, Will F" <[Will.Ford@louisvilleky.gov](mailto:Will.Ford@louisvilleky.gov)>  
Subject: Tremont DR Landmark Case

Good morning, David/ Will

Please consider this note to be my written position of support for upholding the Metro Landmark Commission's unanimous decision to designate the Tremont DR site a Louisville Local Landmark.

Kindly provide this note to whomever should be in possession.

With regards,

Stephen Peterson  
40203

## Wagner, David B

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**From:** NPPKentuckiana <nppkentuckiana@gmail.com>  
**Sent:** Monday, November 28, 2016 11:34 PM  
**To:** NPP Kentuckiana.  
**Subject:** ONE MORE REMINDER--LANDMARK STATUS OF 2833 TREMONT MANY BE OVERTURNED!

Help protect our landmarks and the neighborhoods that treasure them! There is an effort to overturn the Landmark Designation of the historic home on 2833 Tremont Drive. This is the second time a Landmarks designation has been challenged since Metro Council amended the law. The first attempted to overturn the landmarking of the Cavalier Building in the Portland neighborhood. Fortunately, the neighborhood and its supporters prevailed and the Landmark status was not overturned. Please support the Tremont neighborhood by showing up at the hearing tomorrow for moral support. ( See the notice from the Louisville Historical League below.) Try to arrive early to get a seat. If you want, you may email a simple note of supporting maintaining the historic landmark designation for 2833 Tremont Drive to [david.wagner@louisvilleky.gov](mailto:david.wagner@louisvilleky.gov) **before 8:30 a.m. Tuesday morning**. For those who have already emailed, thank you!



*It is up to all of us,*

Martina Nichols Kunnecke  
President  
Neighborhood Planning & Preservation, Inc. (NPP)

[Follow us : Facebook NPPKentuckiana](#) OR  
[twitter@nppkentuckiana](mailto:twitter@nppkentuckiana)

----- Forwarded message -----

**From:** Louisville Historical League <[louhist@hotmail.com](mailto:louhist@hotmail.com)>  
**Date:** Thu, Nov 24, 2016 at 4:50 AM  
**Subject:** URGENT to LHL members re: Preservation Threat  
**To:** Louisville Historical League <[louhist@hotmail.com](mailto:louhist@hotmail.com)>



On Tuesday, November 29th, 11:30 am, there will be a hearing by the Metro Council on possibly overturning the unanimous Landmarks commission ruling on the historic house at 2833 Tremont Drive. The hearing will take place in Metro Council Chambers on the Third (3rd) Floor of the old city Hall (Northwest corner of Sixth & Jefferson)

Any LHL member who can attend this hearing is urged to do so. You do not have to speak. Only be there to support the neighbors who are trying to prevent this historic house from being demolished.

The Landmarks Commission voted 9 - 0 to save this house. Now, the owners are going around the Landmarks Commission to get the Council to overturn this unanimous decision.

If the preservation community loses this battle, then all future landmarks / historic structures will be threatened even if Landmarks votes to save them.

Thus, please, all who are available to attend this hearing, please do so. It is extremely important. Again, you do not need to do anything else at this hearing but show up and support the neighbors.

Thanks!

Louisville Historical League

PO Box 6061

Louisville, Kentucky 40206

email: [LouHist@Hotmail.com](mailto:LouHist@Hotmail.com)

Web: [www.LouisvilleHistoricalLeague.ORG](http://www.LouisvilleHistoricalLeague.ORG)

Facebook: LIKE the League's 'Fan' page <https://www.facebook.com/pages/Louisville-Historical-League/357678060912525?fref=ts>

Please notify the League of any address or email change!

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*I*

## Wagner, David B

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**From:** swb@butchertownstudios.com  
**Sent:** Tuesday, November 29, 2016 7:28 AM  
**To:** Wagner, David B  
**Subject:** landmarking

hello Mr. Wagner, let this email serve as notice that I wholeheartedly endorse the landmarking of the Bishop Smith house at 2833 Tremont kindest regards, Stephen W. Brown  
10 Dupont Way #1  
Louisville, KY  
40207

## Wagner, David B

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**From:** Ted Stone <5thmortonstone@gmail.com>  
**Sent:** Monday, November 28, 2016 10:05 PM  
**To:** Wagner, David B  
**Subject:** 2833 Tremont Landmarking

When I was asked to write a statement on behalf of the campaign to save the Tremont house, I started thinking about why I personally wished to see it preserved. The idea that came to me was that as a classically trained Ballet dancer I have spent my lifetime trying to preserve and maintain something that was built and established centuries ago, and because of that life's work I have the utmost appreciation for the history of a thing, as great as my appreciation for the thing itself. And I feel that every tangible piece of that history should be cherished, so that we might learn from and continue to maintain it for generations to come.

It is how I feel about the Tremont House.

Once that house is torn down it cannot be rebuilt. The history of it becomes that much harder to maintain because the physical reminder has been swept away. It took many hours of research to discover enough of the history of the house to deem it a Local landmark. Think how much more difficult it would be to research if we have not the house with which to compare the historical accounts and photographs.

Helen Daigle, Dancer Louisville Ballet Company

## Wagner, David B

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**From:** TeenaHal@aol.com  
**Sent:** Tuesday, November 29, 2016 12:25 AM  
**To:** Wagner, David B  
**Cc:** TeenaHal@aol.com  
**Subject:** 2833 Tremont House - please provide copies

Hello PDS,

I would like to voice opposition to overturn the Lou Metro Landmarks Commissioners determination of 9-0 to provide Landmarks status to this lovely home and land it is on.

I saw it with my own eyes by accident when trying to turn around to leave a friend's home that is within walking distance of this home. The setting is also lovely as it is surrounded by a green buffer. I stopped to ask a woman leading a dog if this was the house in the newspaper - and it was!

Of course, I've read all the news stories and understand the plight of those who purchased the property and home. It seems it would be best for them to sell to someone who will retain the Landmarks status.

I have sat before Landmarks Commissioners before on property. I know they are determined NOT to provide status to a dwelling that does not meet the criteria. **In this instance, the criteria was met - that factual.** The Landmarks status must be retained.

It would set a dangerous precedence should the ruling of the Landmarks status be revoked by Metro Council.

Please retain the decision of the Landmarks Commission that will help Louisville continue to be known as 5th for historic buildings.

Please retain the decision of the Landmarks Commission to show support and send a message that the work done by the Landmarks Commission is a valuable asset for Lou Metro.

Please uphold the Landmarks Commissioners in their work to give Landmarks status to the Tremont house.

Thank you for consideration of these comments.

Sincerely,

Teena Halbig  
6505 Echo Trail  
Louisville, KY 40299  
267-6883

## Wagner, David B

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**From:** Randal Strobo <rstrobo@strobobarkley.com>  
**Sent:** Tuesday, November 29, 2016 9:16 AM  
**To:** Wagner, David B  
**Cc:** Clay Barkley  
**Subject:** 16DESGNATION1000  
**Attachments:** 2016.11.29 Comments LMC FILED.pdf

Hi, David,

Can you please distribute the attached comments to the Planning Committee for the hearing this morning in the above case?

Thanks,

Randy

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Randy Strobo, JD, MEM  
[www.strobobarkley.com](http://www.strobobarkley.com)  
direct: 502.409.9956  
[rstrobo@strobobarkley.com](mailto:rstrobo@strobobarkley.com)



November 28, 2016

Council Members Madonna Flood (Chair),  
Glen Stuckel, Tom Owen,  
Pat Mulvihill, Kelly Downard,  
Marilyn Parker, and Brent Ackerson  
Planning/Zoning, Land Design and  
Development Committee  
Louisville Metro Council  
601 W. Jefferson Street  
Louisville, KY 40202  
**VIA EMAIL DISTRIBUTION  
AND HAND DELIVERY**

**RE: Case No. 16-DESIGNATION-1000  
Kalorama - 2833 Tremont Drive  
Landmark Designation**

Dear Council Members:

This firm represents the Petitioners in Case No. 16-DESIGNATION-1000, wherein the Petitioners requested the Historic Landmarks and Preservation Commission (“Commission”) designate the historic Kalorama House (“Kalorama”) located at 2833 Tremont Drive in Louisville, Kentucky as a local landmark pursuant to Louisville/Jefferson County Metro Government Code of Ordinances (“Metro Ordinance”) §§ 32.250-32.263 (also referred to as “Landmarks Ordinance”). The Commission granted that request unanimously on September 15, 2016. Despite the unanimous designation and final action by the Commission, and for the first time since the amended Landmarks Ordinance was passed in 2012, the Metro Council exercised its authority to initiate a review of the Commission’s final action pursuant to Metro Ordinance § 32.260 (G). In accordance with the designation guidelines under § 32.260 (E) of the Ordinance, the record before the Commission, new evidence discovered since the hearings before the Commission, and on the unanimous decision of the Commission, the Metro Council must also affirm the decision of the Commission to designate Powell/Smith House as a local landmark.

## I. INTRODUCTION

The essence of land use regulation is the balance of a property owner’s right to the use and beneficial enjoyment of land against the public’s interests in limiting the exercise of that right. That includes the authority to preserve and protect property and structures that hold historical and cultural significance. Following the example of other cities across

the United States such as Charleston, South Carolina, and New Orleans, Louisiana, the City of Louisville enacted its first historic preservation ordinances in 1973. Like those other cities, the ordinance was enacted because of the concern that an increasing number of historic buildings and properties were being “irrevocably altered, modified, demolished, or uprooted.” Landmark Ordinance § 32.250 (A). The Metro Council has declared as a matter of public policy that the “preservation, protection, perpetuation, and use of neighborhoods, areas, places, structures, and improvements having a special or distinctive character or a special historic, aesthetic, architectural, archaeological, or cultural interest or value and which serve as visible reminders of the history and heritage of this Metro Government, Commonwealth, or nation is a public necessity and is required in the interest of the health, prosperity, safety, welfare, and economic well-being of the people.” In doing so, the Louisville Metro Council (then the Louisville Board of Aldermen) established the Louisville/Jefferson County Metro Historic Landmarks and Preservation Districts Commission, granting it authority for the establishment, regulation, and promotion of local landmarks and districts and all necessary and implied powers to perform such duties.” *Id.* It is that the entity, the Commission, that has the requisite knowledge and experience to make decisions regarding the designation of landmarks as it is specifically designed to do by the Metro Council and the Landmark Ordinances it has enacted and amended. The unanimous decision by the Commission to designate Kalorama as a local landmark should not be disturbed, especially considering the expertise of the Commission and its staff, its background work and investigations, and the substantial weighing of evidence and testimony from all stakeholders by the Commission.

## II. PROCEDURAL HISTORY

The Petitioners filed their Petition and supporting documentation to designate Kalorama as a local landmark on June 10, 2016. See Commission Record (incorporated by reference), Petition. Petitioners acquired over 800 signatures in support, of which at least 400 were certified. After the petition and requisite signatures were verified, the Commission staff prepared its Draft Designation Report in response to the Petition and a public hearing was scheduled for August 18, 2016.

At the August 18, 2016 hearing, the Commission Staff, the Petitioners, the property owners, and members of the public commented on the proposed landmark designation. Needing more time and further information, the Commission continued the hearing until September 15, 2016. In the interim, the property owners also allowed Commission Members to come on site and inspect the property. On September 15, 2016, the Commission staff, the Petitioners, and the property owners presented additional evidence focusing on whether the subject structure and property was, in fact, the Kalorama school, home, and property of Bishop Smith. The Commission Staff submitted a supplemental report that further supported the subject property is Bishop Smith’s Kalorama. See Commission Record, Staff Supplemental Information, and Testimony of

Commission Staff; Video Record, Case No. 16DESGNATION1000 (“V.R.”) at 3:20-18:20.<sup>1</sup> The Petitioners also submitted supplemental evidence that supported the same.

In addition, several Commission Members, based on their site visit, commented that the subject property is Kalorama. Commission Member Bajandas commented on the structural changes of the building and that there was evidence of the original roof and front entrance of the building. This confirmed the subject property is Kalorama. V.R. at 43:10-48:30. Commission Member Stottman also commented about the site visits, and how he believed beyond a preponderance of the evidence that this structure was built in the 1830s or 1840s and that it is also Bishop Smith’s Kalorama. Based on this information, the Petition, and the Draft Designation Report, the Commission voted unanimously to designate Kalorama as a local landmark. V.R. at 59:40.

On October 20, 2016, the Metro Council passed a resolution pursuant to Metro Ordinance § 32.260 (G) to review the Commission’s decision to designate Kalorama as a local landmark. This was the first time since the amendments to the Landmarks Ordinance were enacted in 2012 that the Council used this authority to revisit a decision of the Commission.

The Petitioners incorporate by reference the entire record before the Commission in this case.

### III. THE METRO COUNCIL IS REQUIRED TO FOLLOW THE LANDMARK GUIDELINES.

After notice is given and the public hearing is held, the Metro Council and the Commission must base its decision to designate a structure as a landmark on the guidelines outlined in Metro Ordinance § 32.60 (E)(1). These guidelines state:

In considering the designation of any neighborhood, area, property or structure in Louisville Metro as a local landmark, or district, the Commission shall apply the following criteria with respect to such structure, property or district:

- (a) Its character, interest, or value as part of the development or heritage of Louisville Metro, Jefferson County, the Commonwealth, or the United States.
- (b) Its exemplification of the historic, aesthetic, architectural, prehistoric or historic archaeological, educational, economic, or cultural heritage of Louisville Metro, Jefferson County, the Commonwealth, or the nation.
- (c) Its location as a site of a significant historic event.

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<sup>1</sup> Available at [http://louisville.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4747](http://louisville.granicus.com/MediaPlayer.php?view_id=2&clip_id=4747).



- (d) Its identification with a person or persons who significantly contributed to the culture and development of Louisville Metro, Jefferson County, the Commonwealth, or the nation.
- (e) Its embodiment of distinguishing characteristics of an architectural type or specimen.
- (f) Its identification as the work of an architect, landscape architect, or master builder whose individual work has influenced the development of Louisville Metro, Jefferson County, the Commonwealth, or the nation.
- (g) Its embodiment of elements or architectural design, detail, materials, or craftsmanship which represents a significant architectural innovation.
- (h) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural, or architectural motif.
- (i) Its location or physical characteristics representing an established and familiar visual feature or which reinforce the physical continuity of a neighborhood, area, or place within Louisville Metro.

(Emphasis added).

The Draft Designation Report adopted by the Commission demonstrated that Kalorama satisfied several of the above criteria including sections (a), (b), (d), (h), and (i). Commission Record, Draft Report at 16-18. The Petitioners also supported these findings in their Petition to the Commission. Commission Record, Petition at 16 - 55. As Commission Member Stottman stated at the September 15, 2016 Commission hearing, the Commission makes the decision to designate a landmark based on these criteria and these criteria only. V.R. at 55:40. Any evidence relating to the property owners' economic situation or other evidence outside of these guidelines is not appropriate for these proceedings. Economic issues and hardship issues are to be addressed through the economic hardship proceedings in relation to the request to demolish the property. The same applies to the decision of the Metro Council. It must evaluate whether to designate this property based on at least one of the § 32.60 (E)(1) criteria. Here, the Commission determined that it satisfies at least five of the designation criteria and also adopted the Draft Designation Report prepared by the Commission staff. Based on the evidence before the Commission and the Metro Council, the Metro Council must adopt the same or substantially the same findings, and affirm the decision of the Commission to designate Kalorama as a local landmark.

#### IV. THE COMMISSION IS ENTITLED TO DEFERENCE

A substantial majority of the record in which the Metro Council must make its decision is based on evidence heard by the Commission. As such, the decision of the Commission is entitled to deference and should not be disturbed unless it is not based on substantial evidence. The test of substantiality of evidence is whether when taken alone or in the light of all the evidence it has sufficient probative value to induce conviction in the minds of a reasonable person. *Kentucky State Racing Com. v. Fuller*, 481 S.W.2d 298, 308 (Ky. 1972) citing *Blankenship v. Lloyd Blankenship Coal Company, Inc.*, 463 S.W.2d 62 (Ky. 1970). In situations like this, where the Metro Council is reviewing a decision of the Commission based on the record before the Commission, review of that decision should be largely deferential to the Commission. *500 Associates, Inc. v. Natural Resources and Environmental Protection Cabinet*, 204 S.W.3d 121, 131-132 (Ky. App. 2006). As long as there is substantial evidence in the record to support the agency's decision, the court must defer to the agency, even if there is conflicting evidence. *Id.* Here, the Commission's decision was based on substantial evidence and should not be disturbed.

**V. THE PROPERTY OWNERS ECONOMIC SITUATION IS NOT RELEVANT IN THIS PROCEEDING.**

The property owners have argued in previous forums that it is not economical and they will suffer hardship if Kalorama is designated as a landmark. However, as the Ordinance clearly states, and as stated by Commission Member Stottman, the Commission makes the decision to designate a landmark based on the Metro Ordinance § 32.60 (E)(1) criteria and those criteria only.

The Landmarks Ordinance provides another avenue for the property owners if they wish to claim an economic hardship. If a Certificate of Appropriateness is denied by the Commission for the demolition of a designated property, the property owner can request an economic hardship exemption pursuant to Metro Ordinance § 32.257 (L). If the property owner is successful, the Commission will render a decision to grant the exemption from compliance with one or more of the guidelines. *Id.*

Again, this is a separate and distinct process from the case currently before the Metro Council. In this case, the Metro Council is only to decide whether Kalorama should be designated as a local landmark under the criteria in Metro Ordinance § 32.60 (E)(1). Any determination made outside of those criteria, including economic hardship to the property owners is ultra vires and outside the scope of the Council's mandate with regards to the designation of landmarks. See *American Beauty Homes Corp. v. Louisville & Jefferson County Planning & Zoning Com.*, 379 S.W.2d 450, 456 (Ky. 1964).

**VI. THE COMMISSION STAFF AND THE COMMISSION DETERMINED THE SUBJECT PROPERTY IS KALORAMA – THE HOME, SCHOOL, AND PROPERTY OWNED BY BISHOP SMITH.**

The property owners only substantive argument in opposition to the landmark designation is their claim that the subject property is not the Kalorama structures and property previously owned by Bishop Smith in the mid-1800s. This argument was debunked by the Petitioners and their research, the Commission Staff and their research, and the Commission Members themselves based on personal observations during the site visit. There is more than a preponderance of evidence that the subject property is Kalorama and the opponents of the designation have offered no credible evidence that the subject property is not Kalorama. The Metro Council should afford the findings of the Commission deference on this issue based on the expertise and knowledge of the Commission Members and its staff and on the record before the Commission and the Metro Council.

## VII. CONCLUSION

Based on the foregoing, and on the record before the Commission, the additional testimony and evidence submitted by the Petitioners and Commission staff at the hearing today, and on the findings of the Commission, the Metro Council should affirm the decision of the Commission and designate Kalorama as a local landmark.

Respectfully submitted,



Randy Strobo

Clay Barkley

Strobo Barkley PLLC

*On Behalf of the Petitioners*

## Wagner, David B

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**From:** Ted Stone <5thmortonstone@gmail.com>  
**Sent:** Tuesday, November 29, 2016 10:17 AM  
**To:** Wagner, David B  
**Subject:** Fwd: 2833 lawyer meeting and Historic Task Force meeting  
**Attachments:** KALORAMA.docx; ATT00001.htm

For the record

Sent from my iPhone

Begin forwarded message:

**From:** [jdm@johndavidmyles.com](mailto:jdm@johndavidmyles.com)  
**Date:** November 29, 2016 at 12:26:47 AM EST  
**To:** "Ted Stone" <[5thmortonstone@gmail.com](mailto:5thmortonstone@gmail.com)>  
**Subject:** **Re: 2833 lawyer meeting and Historic Task Force meeting**

November 29, 2016

Dear Mr. Stone:

As I had no idea that anyone expected me to speak until I received your email, the attached has been very hurriedly thrown together and has not been proofed. Someone needs to look over it to make sure I am not stepping on anyone's turf, especially Rachel Kennedy's. Also, is this the sort of thing you want or need?

I realize you have time constraints as well but given that lead time I have been given, I presume you will make time to look this over.

Yours,

John David Myles

-----Original Message-----

**From:** Ted Stone [<mailto:5thmortonstone@gmail.com>]  
**Sent:** Monday, November 28, 2016 05:21 PM  
**To:** 'Coretta Wolford', 'Andrea Peake', 'Chris Harrell', 'Christopher White', 'Cynthia Cooke', 'Dan Church', 'Denise Furnish', 'Elaine Jetton', 'Eric Whisman', 'Ginny Hammock', 'Jack Trawick', 'James R Wilkinson', 'Jeanie Younger', 'Jessica Stavros', 'Joan Stone', 'Leslie Cissell', 'Lynn Renau', 'Martina Kunnecke', 'Mary Lou Marzian', 'Peter Morrin', 'Randal Strobo', 'Rob and Jill', 'Ryan Fenwick', 'Steve Wiser, AIA, CAH, KSHE', 'Toni Evans', 'Dr. Page Curry', [jdm@johndavidmyles.com](mailto:jdm@johndavidmyles.com), 'Kennedy, Rachel M (Heritage Council)'  
**Subject:** 2833 lawyer meeting and Historic Task Force meeting

All - we met with lawyers 2-3:30 this afternoon. They will lead off. Note that the owners precede us, so some of what lawyers say is dependent on what owners say, or what they are allowed to say, as our lawyers will object when they stray away from criteria issues. After lawyers, I and Peter will cover history/bishop and "wrong house" type issues for 5 minutes each.

Then Jessica Stavros of Culbertson mansion will speak about the importance of local ordinances and differences in Indiana based on different ordinances.

Then JD Myles on architectural history (author of recent Shelby Co. book).

Then Rachel Kennedy of KY Heritage Council and Eric Whisman of KY Preservation Trust.

Then back to lawyers for sum up. Everyone will have to be under five minutes or we will be lost. Please practice so you know you can keep you time under control.

We do not know what the Chair will do with speakers who come that are not part of the owners or petitioners presentation. Tom Owen asked at the last meeting, but got no meaningful answer.

Peter became aware during the lawyer meeting that the Mayor's Task Force (basically on how to change the ordinance and process to reduce conflict in landmarking) was meeting at 4 PM, so we crashed that meeting. Peter was allowed to make that group aware of the hearing tomorrow.

Sorry, I may not be able to respond to questions as its crunch time getting ready. Thanks to all.

## KALORAMA

Kalorama merits preservation at one level simply because it has survived so long – any building which has survived 180 years should not be discarded without a serious reason. It is a significant reminder of the growth of Jefferson County from a wilderness outpost to a thriving agricultural and commercial community by the second quarter of the 19<sup>th</sup> century. However, Kalorama has so much more than mere age to recommend it.

As a house, it is of a rare form in Jefferson County, a double-pile cottage on a raised basement. Locally, the only other truly comparable surviving house the Bates or Howard place on Bates Court off Barrett Avenue. Sitting atop its raised basement, Kalorama is a descendant of Farmington and a precursor of Selema Hall on Reidling Drive off Brownsboro Road. This was a form more popular in central Kentucky where such fine houses as the Escondida, Xalapa, the Cleveland-Rogers house, Governor Thomas Metcalfe's Forest Retreat, and the Judge John Boyle house dotted the Bluegrass. Nearby, the 1817 Old Stone Inn in Simpsonville is another early example of the form. Although Lexington's Major Thomas Lewinski gave it his best for Mansfield, the magnificent house he designed for Henry Clay's son, Thomas Hart Clay in 1845, the form did not lend itself to the monumentality of required of the Greek Revival and thus gave way to verticality required to build a temple, even if it was your house..

In this context, Kalorama should be seen as a transitional house. In *The Architectural History of Louisville*, Sam Thomas placed it in his Chapter on Federal or Early Classical Architecture while Selema Hall built some four years later in 1838 is in his Greek Revival chapter. Its doors with five graduated horizontal panels and its woodwork with reeded casings and bull's eye corner blocks fit well within the late Federal style of the 1830s. However, the large windows, originally with six-over-six double hung sash are clearly of a scale associated

with the Greek Revival and some of the old sash retain their original mottled glass. The front and rear entrances feature rectangular transoms and sidelights which are much more in keeping with the proportions of the Greek Revival although they again incorporate bull's eye details. This same dichotomy prevails on the exterior above all the openings of the house where lentils have replaced the earlier Federal jack arch but again incorporate the bull's eye motif. The doors with two vertical panels in the lower level are another feature associated with the Greek Revival. The stairway retains the slender straight balusters of the Federal style but is placed in an unusual location, in the rear half of the center hall, rising from the rear, rather than the front of the house.

One can comment about all of this because it is still there. While Kalorama has undergone many changes since it was built, but with the exception of one chimney and its mantels, the original house is still there. Even the original tongue and groove floors can be seen from the lower level despite being covered with strip oak in the early 20<sup>th</sup> century. Its current porch, overhanging eaves, and various dormers have all been added but, strip them away, and there remains a rare and fine 1830's house. The best news is that there is an extant photograph showing the original single bay porch. Because of its locally rare architectural form and remarkably intact details, Kalorama is truly a landmark in the architectural history of Jefferson County.

It should also be recognized as a landmark because of its associations with one of the Kentucky and Louisville's most prominent citizens who left a mark on a number of Kentucky communities and spent his later years on the national stage as Presiding Bishop of the Episcopal Church in the United States. The Reverend Benjamin Bosworth Smith was born in Bristol, Rhode Island, in 1794. He graduated from Brown University and embarked upon a career as an Episcopal rector, serving in Virginia, Vermont, and Philadelphia prior to becoming the rector of

Christ Church in Lexington in 1830. He was consecrated the first Episcopal Bishop of Kentucky in 1832. His actions during the cholera epidemic there are memorialized in Kerr's 1922 History of Kentucky where it was reported that individuals were doing the most to help those afflicted with the disease. "First and foremost, on this list, is Bishop Smith of the Episcopal Church, who, in body, is but the skeleton of a man but in heart and soul, a giant in every good word and work. His whole time, day and night, rain or shine, has been devoted to the consolation of the dying, or the funeral services of the dead. From early dawn to midnight he has been constantly on his feet, or on his knees; and to me it seems a miracle, that he is still on duty, as bright as ever!"

Smith continued as rector of Christ Church and Bishop of Kentucky until 1838 when he resigned from Christ Church. From 1840 to 1842, he served as Superintendent of Public Instruction for the Commonwealth of Kentucky. One of his primary interests was the education of women and it was for that purpose that he purchased Kalorama where, with his wife, he ran a school for girls. He remained in Louisville until shortly after the War Between the States when he moved to Frankfort. However, in 1868, he became presiding bishop of the church and spent much time thereafter in New York until his death in 1884.

Bishop Smith was also a practicing if not licensed architect. Rexford Newcomb, in his pioneering 1953 *Architecture in Old Kentucky*, relays that Smith designed St. Philip's in Harrodsburg and "carved the model for it with his pen knife." Clay Lancaster attributes the spire at Trinity Church in Danville to his hand and he is said to have carved various furnishings for the Church of the Ascension in Frankfort. Based on the arrangement of triple lancet windows in the chapels at Trinity and St. Philip's, it has been suggested that he was also involved in the design of St. James Shelbyville.



At Kalorama, he almost certainly designed the surviving kitchen addition with its chamfered corners and the similar addition shown on the front right corner in a 1911 photograph. While the front addition has been removed, it had the same angled corners as the kitchen addition and the same scalloped barge boards as his study which is now located at St. Francis in the Fields on Wolf Pen Branch Road. It's a safe bet that the kitchen addition once had the same barge boards.

Smith was a remarkable man of statewide and national prominence and provides another reason for preservation of Kalorama. It is a rare house, was home to a remarkable man, and is a fine example of an architectural form rarely seen in Jefferson County. The decision of Landmarks Commission that it should be preserved as a significant part of Louisville Metro's heritage was clearly correct and should be affirmed by Metro Council.

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