

2833 TREMONT:  
OWNERS REMARKS TO THE  
PLANNING AND ZONING COMMITTEE



# PRESENTATION GOALS

- review key factual information from the previous hearings
- introduce new material we were not given an opportunity to discuss
  - a commissioner introduced new testimony after the record was closed
  - we were unable to refute this testimony
  - this was a major procedural gaffe
- detail where the commissioners went wrong and process failures
- discuss the dilapidated state of the current structure

# BISHOP SMITH

- Born 1798 in Rhode Island
- First Episcopal Bishop in Kentucky
- 3rd Superintendent for Kentucky Schools (replaced after 2 years)
- stood accused of “illegal and arbitrary conduct” in his office of bishop and was tried by an ecclesiastical court, where he was reinstated as a bishop but “human infirmity” was noted
- Slave Owner in 1840 Lexington (5 slaves) and 1850 Louisville Census (9 slaves: ages 2-45)



# 1850 Slave Census (Louisville)

SCHEDULE 2. Slave Inhabitants in Desert in the County of Jefferson State of Kentucky, enumerated by me, on the 5 day of Sept, 1850. Lo. Bastans Ass't Marshal.

NAME OF SLAVE OWNER.	Number of Slaves	DESCRIPTION.				Total & both, Male, female, or both.	NAME OF SLAVE OWNER.	Number of Slaves	DESCRIPTION.				Total & both, Male, female, or both.
		Male	Female	Children	Persons over 16								
<i>Geo. Black</i>	1	45	m	13		<i>Daniel Duff</i>	1	30	m	13			
	1	17	m	13			1	28	f	13			
	1	28	f	13			1	31	m	13			
	1	28	f	13			1	33	m	13			
	1	17	f	13			1	33	m	13			
	1	5	f	13			1	19	f	13			
<i>John W. Rand</i>	1	18	f	13			1	18	m	13			
<i>Francis Thornton</i>	1	17	m	13			1	11	m	13			
	1	16	f	13			1	9	f	13			
	1	30	f	13			1	7	m	13			
	1	3	m	13			1	6	f	13			
	1	3	m	13			1	5	f	13			
<i>P. Chamberlain</i>	1	45	m	13			1	5	m	13			
	1	45	m	13			1	5	f	13			
	1	50	m	13			1	6	m	13			
	1	35	m	13			1	31	f	13			
	1	35	m	13			1	1	m	13			
	1	30	f	13		<i>James B. Wilson</i>	1	68	m	13			
	1	25	f	13			1	53	f	13			
	1	30	f	13			1	44	m	13			
	1	13	f	13			1	48	m	13			
	1	9	m	13			1	35	m	13			
	1	5	m	13			1	12	f	13			
	1	5	m	13			1	33	m	13			
	1	1	m	13			1	34	m	13			
	1	3	f	13			1	44	m	13			
<i>George Duff</i>	1	48	m	13			1	1	m	13			
	1	44	m	13			1	28	m	13			
	1	25	m	13		<i>Bengt B. Smith</i>	1	35	f	13			
	1	18	m	13			1	45	f	13			
	1	35	m	13			1	45	m	13			
	1	45	f	13			1	23	f	13			
	1	52	f	13			1	28	f	13			
	1	11	f	13			1	33	f	13			
	1	20	f	13			1	11	f	13			
	1	12	m	13			1	18	m	13			
	1	24	f	13			1	3	f	13			
	1	4	m	13		<i>William S. Jones</i>	1	41	m	13			
<i>John Dalton</i>	1	30	f	13			1	35	m	13			
<i>Lewis Harper</i>	1	5	f	13			1	50	f	13			
<i>Wm. Ireland</i>	1	30	f	13			1	48	f	13			
	1	1	m	13		<i>James H. Rice</i>	1	4	f	13			

+ 107

# BISHOP SMITH

- There is ZERO concrete evidence placing Bishop Smith at the current structure that sits on 2833 Tremont

1836 AD:

BASIS OF ALL  
DATING ESTIMATES  
ON THE HOUSE

**VALUABLE PROPERTY FOR SALE.** The subscriber offers for sale 40 Acres of first rate Beargrass Land, lying on the Bardstown turnpike, and within five miles of Louisville.

The whole is enclosed with a neat and substantial board fence on cedar posts, and occupied by improvements all new and of the first order, consisting of a brick Dwelling House substantially built, commodious in its arrangements, and in handsome style—a Frame Kitchen—Smoke House—Stable, and Granary.

This property is considered desirable in every point of view. The disposition of the grounds, the extreme fertility of its soil, and its near vicinity to the city, entitle it to the attention of any who may want a country residence susceptible of the highest embellishment, as well as those who may be disposed to engage in the management of a dairy or vegetable farm. It is also presumed to be a suitable site for a manual labor academy, or any other description of seminary for the education of youth of either sex.

The subscriber will also sell 60 feet of ground in the city, fronting on Main street, between Eleventh and Twelfth. Terms made known on application.

LEWELLYN POWELL.

aug 31-16&notf

# 1836 ADVERTISEMENT

- There is nothing unique in that ad that would tie it to the current structure
- The ad mentions 40 acres of land!!
  - capacity to hold nearly 300 homes by modern R5 zoning restrictions. It is a huge area
- Numerous structures in this 40 acres of land have disappeared over time...to assume this current structure was Bishop Smith's home is quite a leap



# SAVANNAH DARR

- “the 1836 newspaper advertisement that you had seen at the first hearing, it may have been referring to another house on Powell’s property”

# KALORAMA

- In the initial hearing we discussed how the school girls sent letters from “Kalorama, Ky”
- nearby Winston Ave was called Kalorama Ave during Bishop Smith’s time in Louisville
- so questions persist...

# STUDENT ROSTER

List of Girls Attending Kalorma, 1849

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The names of the girls at Kalorma.

Virginia Knox.	Alice Chambers.
Louisa Kettel.	Lizzie Soapers
Timothina Hall.	Minnie Chambers.
Konover Knox.	Fanny Smith.
Annison Patterson.	Emily Brandt.
Harrietta Soapers.	Julia Huffner.
Sally Adams.	Sallie Whiteinghouse.
Eliza Rice.	Elizabeth Towles.
Margaretta Barber.	Elizabeth Soapers.
Mary Coke.	Estline Thompson.
Ann Amelia Chamberland.	Septina Hall.
Sarah Rupert.	Fanny Hopkins.
Alice Gray.	Harrietta Triplett.
Lelia Campbell.	Julia Chamberland.
Carry Campbell.	Hattie MacLain.
Wanda Fitchow.	Maria Kettel.
Hattie Smith.	Julia Maxwell.
Clara Bruce.	Fanny Brandt.
Minnie Knox.	Maria Soapers.
Minnie Knox.	Hattie Baker.

1877 BANKRUPTCY  
SALE OF  
KALORAMA

\*\*10 ROOMS

**BY W. A. MERIWETHER,  
AUCTIONER.**

**Bankrupt Sale of "Kalorama,"  
AT AUCTION.**

**A**s assignee of W. A. Meriwether, bankrupt, I will offer at public sale, to the highest bidder, immediately after the sales by the Marshal of the Louisville Chancery Court, before the Court-house door, on Monday, May 14, 1877, that desirable country seat known as

**KALORAMA!**

containing 30 acres of land, situated near the Bardstown turnpike road, about three miles from Louisville, Ky.

The special attention of all persons desiring a first-class country residence is called to this sale. The situation is about the best in the county. The soil is unsurpassed; fruits, flowers and shrubbery are growing in rich profusion; 1,000 pear trees, 8,000 grapevines, 500 apple, cherry and peach trees, all of the choicest varieties, will be in bearing this year.

The residence is a good brick house, conveniently built, containing 10 rooms; there are also out-cottages, stables, &c. A lavish outlay of money upon this place, together with its natural beauty, have combined to make it one of the most desirable country seats to be found in the State. The place can be examined at any time before the sale. Further details may be had on application to W. A. Meriwether, Esq., Theodore Harris, Esq., or to the undersigned.

Terms—One-third cash, balance in one and two years; interest 6 per cent. on deferred payments, 8 per cent. after maturity. Notes negotiable and payable in bank. Lien retained.

ap29 may2, 6, 10, 13, 14

**STEPHEN E. JONES,**

Assignee.

# ARGUMENTS AGAINST DESIGNATION CRITERIA

## Designation Criteria Judged As Having Been Met

Criteria Category	From the Designation Report:	Argument against meeting the criteria
(a) Its character, interest, or value as part of the development or heritage of Louisville Metro, Jefferson County, the Commonwealth, or the United States.	<i>Representative of the Antebellum period in Jefferson County, the Powell-Smith house, constructed in circa 1836 relates to significant period in the development of Jefferson County. This is a period when the urban core is growing and increased development along the Louisville-Bardstown Turnpike is occurring.</i>	<b>Change in land use for this property came after the significant period of change in the area. The 20 acres were not subdivided until 1908 and was a working farm at least until 1877.</b>
(b) Its exemplification of the historic, aesthetic, architectural, archaeological, prehistoric or historic archaeological, educational, economic, or cultural heritage of Louisville Metro, Jefferson County, the Commonwealth, or the nation.	<i>The house is associated with the girl's school established by Bishop Smith, known as Kalorama. The site is also likely to yield significant archeological information about the Antebellum-period of development including a possibility of enslaved persons' dwellings.</i>	<b>There is no proof that the house was the site of the school. Nor that the house is the house that Bishop Smith lived in. Also it is only speculation that the actual .8 acre of the 20 acre site has significant archeological information.</b>
(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.	<i>Bishop Benjamin Bosworth Smith was the first Episcopal Bishop of Kentucky. Bishop Smith was also involved in state government and served as the Superintendent of Public Schools for the State of Kentucky.</i>	<b>There is no proof that this particular structure is the one Bishop Smith lived in. Other large Antebellum houses on adjacent properties have not survived so it is likely his house did not survive. The house at 2833 Tremont could have been built later by the Hornsbys.</b>

# ARGUMENTS AGAINST DESIGNATION CRITERIA

<p>(h) Its relationship to other distinctive areas, which are eligible for preservation according to a plan based on an historic, cultural, or architectural motif.</p>	<p><i>The Powell-Smith House is in close proximity to Farmington which is an early example of Federal architecture in the area. The Powell-Smith House is a surviving example of the development in the area as a suburban development rather than a Plantation house. This shift in land use indicates the growing development of Jefferson County as an urbanized area.</i></p>	<p><b>The Colonial Revival architecture style was still being used after 1860 so could have been built after Powell and Smith owned the property. The property was still a working farm in 1880 which contradicts the house's significance as a suburban development.</b></p>
<p>(i) Its unique 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.</p>	<p><i>The house was constructed in 1836 by Dr. Powell and sold as a speculative property. It represents an early example of community development. It is a surviving example of this settlement period in Jefferson County along Bardstown Rd.</i></p>	<p><b>There is no proof that Dr. Powell bought or sold the property as a "speculative" property. He did in fact live on the property. He owned 40 acres and his house could have been large and described as a house big enough to renovate to accommodate "20 students" or as many as 40 students according to the Filson Club records.</b></p>

1911 Photo







# COMMISSIONER QUOTES

- Bajandas: “I’m having a hard time reconciling the photographs....does the 1905 Sanborn maps go back that far?”
- Vice: “I’m not sure that the house we are looking at today is the house in the photograph, and if it is, how’s it has been altered”
- Vice: “...we are sorta confronted here with a building that appears to have been substantially altered”
- Vice: “Im just trying to understand what I’m looking at”
- Doutrick: “Looking at these pictures, it’s hard to think that this is the same house”
- Cynthia Johnson: “...it’s a MYSTERY”



# QUOTES

- Stottman: “we are never going to know exactly what happened...we write history in the present...**is it going to be evidence that is supported in a court of law? No, cause this is not a court of law.** We make interpretations...it’s not going to be a 100% factual thing”
- Stottman: “I THINK the history is pretty solid. Certainly there are some liberties taken here or there...It’s PROBABLY Mr. Smith’s house. And we say MOST LIKELY and PROBABLY and things like that cause we know that if we say definitive things, someone who doesn’t understand history is going to call you out on that and say ‘well, we produced a photograph that says you are wrong.’ That can happen. That’s why we say those things.”

# MEETING INTERIM

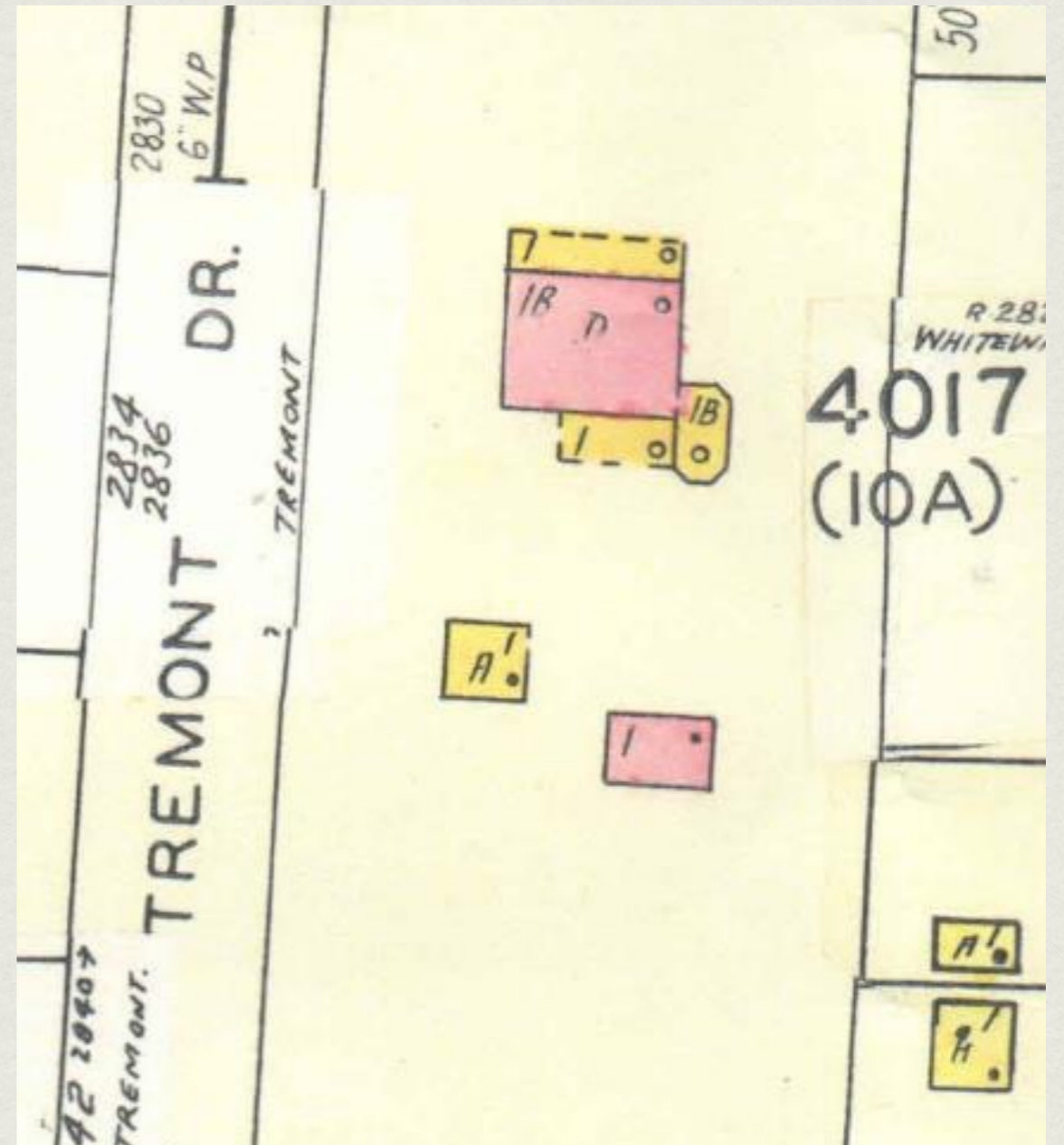
- the committee put off making a decision for another month to further collect data such as Sanborn maps and perform a site visit
- **only 5 of 13 members bothered to perform a site visit**
- Our team collected scaling data and researched the requested Sanborn mapping...and as you will see, that data was summarily ignored and brushed off

# SECOND MEETING

- The committee fully reverses course and now states that the front of our house matches the 1911 photo

# SANBORN MAPS

- We have Sanborn maps of 1928
- They demonstrate no side addition on the east elevation, a side addition on the west elevation and both front and back porches...exactly the configuration of the current house. This is not a depiction of what was shown in the 1911 photo





# COMMISSIONER QUOTES

- Bajandas: “Rafters were extended following, not the pitch of the original roof but a shallower pitch.”
- Bajandas: “I believe that what happened is that there is a shallow roof shown on the 1911 picture, and that room was an attic that at some point became a second floor. That’s why the ceilings are so shallow”
- Stottman: “Certainly Bob is correct on the height of the wall there and what the addition of the new porch has done to make that perspective a little bit different. The second floor was really not a second floor. It’s a converted attic that was always there.”



# SCALING DATA



# COMMISSIONER QUOTES

- Commissioner Stottman made a key error in his statement that absolutely confirms the house in the picture is not the current structure
- Stottman states in regards to the current octagonal structure: **“It has a brick foundation which was definitely built in the 19th century. It has lime mortar. So it was built in the 19th century.”**
- This structure isn't in the 1911 picture...if it was built in the 19th Century, it would be in the 1911 picture!





at "Calorama" near Louisville, Ky. - July 16, 1911

# Architect's Findings



## SECOND FLOOR FAILURE

- CEILING HEIGHTS – CODE REQUIRES – 7'-0" **MINIMUM**  
(2013 IRC and Adopted 2013 Kentucky Residential Code R305.1)
- THE ENTIRE 2<sup>ND</sup> FLOOR WALL HEIGHTS DOES NOT MEET CODE
- THE FLOOR SYSTEM DOES NOT MEET CODE AND IS UNSAFE FOR A FAMILY TO OCCUPY. (2013 IRC and Adopted 2013 Kentucky Residential Code R503.1-502.11.2)
- THE ENTIRE 2<sup>ND</sup> FLOOR CRIPPLE WALL BRACING AND DESIGN DOES NOT MEET CODE (2013 IRC and Adopted 2013 Kentucky Residential Code R 602.10.11-R602.10.11.3)
- DOOR HEIGHTS – CODE REQUIRES – 6'-8" **MINIMUM**  
(2013 IRC and Adopted 2013 Kentucky Residential Code R 602.10.11-R602.10.11.3)

**Without making these changes the second floor DOES NOT MEET CURRENT BUILDING CODES.**

**When you remove the entire second floor roof and ceiling of 1<sup>st</sup> floor to meet these minimum code requirements the house will not at all resemble what is there today.**

# Architect's Findings

## DANGEROUS STAIRS



STAIRS TO BASEMENT DO NOT COME CLOSE TO MEETING HEAD ROOM REQUIREMENTS – WHICH ARE 6'-8" MINIMUM. I AM 6'-4" TALL. IN ORDER FOR STAIRS TO WORK THEY WOULD HAVE TO BE RIPPED OUT AND REDESIGNED IN A DIFFERENT LOCATION. **THIS IS NOT A EASY TASK AND WOULD REQUIRE SIGNIFICATANT ALTERATIONS TO EXISTING HOUSE.**



STAIRS TO BASEMENT BLOCK ACCESS FROM ONE SIDE OF BASEMENT TO THE OTHER. **THIS IS A MAJOR ISSUE THAT IS NOT EASLY SOLVED WITHOUT MOVING STAIR TO DIFFERENT LOCATION.**

- HEAD HEIGHT ON STAIRS TO BASEMENT DOES MEET CODE AND **BLOCKS EGRESS**
- RISER HEIGHTS **DO NOT MEET CODE** AND ARE NOT CONSISTENT
- TRADITIONALLY THE STAIRS ARE CLOSE TO THE FRONT DOOR OF THE HOUSE
- THE CURRENT STAIR LOCATION WOULD MAKE THE CURRENT REAR OF THE HOUSE THE FRONT
- THE FRONT AND REAR ENTRANCE STAIRS ARE ROTTEN AND ARE FALLING APART

**PUTTING CODE COMPLIANT STAIRS TO THE BASEMENT AND SECOND FLOOR IS IMPOSSIBLE.**

# Architect's Findings



## FRONT AND REAR PORCH FAILURES

- THE ENTIRE FRONT PORCH IS PULLING AWAY THE HOUSE BECAUSE THE STRUCTURAL FAILING OF MEMBERS. ***IT IS UNSAFE.***
- BOTH PORCHES WILL HAVE TO BE COMPLETELY REBUILT – STRUCTURE, DECKING, COLUMNS AND ROOF. IT IS COMPLETELY FALLING APART.



***WHEN YOU RIP OFF THE ENTIRE SECOND FLOOR AND THE FRONT AND REAR PORCH YOU WILL NOT BE LEFT WITH THE SAME HOUSE AS IT EXISTS TODAY.***

# UP TO CODE

- To get this get the house up to code, **before renovations**, is estimated to cost more than a half million dollars!
- What do the neighbors or the city want of this dilapidated house? ...a house that would cost my family hundreds of thousands of dollars to bring up to code against our will?



- Stottman: “It doesn't matter how these things come to us...but point is, it's here”
- Stottman: “We only need 1 criteria to designate a structure”.
- Here is one criterion: (The structure's) relationship to other distinctive areas, which are eligible for preservation according to a plan based on historic, cultural, or architectural motif.
- Our structure apparently met that criterion because it is close to Farmington

- You have numerous grounds by which to overturn this decision
  1. The unprecedented legality of this ruling against homeowners' wishes, as discussed previously
  2. The lack of evidence or poor evidence as it relates to the historical value of the house
  3. The fraudulent nature by which this petition was obtained
  4. Economic hardship
  5. Common sense and a slippery slope