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## Historic Landmarks and Preservation Districts Commission

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### Report to the Committee

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To: Clifton Architectural Review Committee  
Thru: Cynthia Elmore, Historic Preservation Officer  
From: Bradley Fister, Historic Preservation Specialist  
Date: February 17, 2021

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**Case No:** 21-COA-0005  
**Classification:** Committee Review

#### GENERAL INFORMATION

**Property Address:** 1728 Payne St.

**Applicant:** Jessica Murphy  
RPH Studio, LLC  
2016R New Main St.  
Louisville, KY 40206  
(502) 794-0784  
[jessie@rockpaperhammer.com](mailto:jessie@rockpaperhammer.com)

**Owner:** Duffy Properties Franck, LLC  
1728 Payne St.  
Louisville, KY 40206  
(502) 432-9355  
[james@beargrassdevelopment.com](mailto:james@beargrassdevelopment.com)

**Estimated Project Cost:** \$1,200,000.00

#### Description of proposed exterior alteration:

1. Demolition of an existing ~600 sq. ft. concrete block structure at the rear of the property.
2. Construction of a ten-unit multi-family condominium building (approximately 59'- 8 1/4" W x 92'- 2 3/4" D) consisting of four two-bedroom units on the first and second-floor and two two-bedroom units on the third-floor. The proposed building is to be two-stories at the front of the building (approximately 25'- 4" H) and three-stories at the rear (approximately 36'- 8" H) to emulate a camelback form, as seen on neighboring buildings.

The contemporary design proposed includes the use of corrugated metal panels, IPE wood siding, and stone to break the façade up visually, and keep in

scale with neighboring buildings. The north façade facing Payne St. is staggered and set back approximately 9'-0" from the east corner to the west, to align with adjacent properties along Payne St. (also oriented at an angle), and to appear like two separate facades to keep in scale with the neighboring residences.

The front two-story portion of the building will have partial parapet walls, and railing for the second story rooftop terrace. The rear three-story portion of the building will have a flat roof with parapet walls.

3. The construction of an approximately (29' W x 13'- 6" D x 11' H) outbuilding at the rear of the property for the purposes of bike storage, and general storage for the community. The building is to have a side facing gable roof with 6:12 pitch clad with asphalt shingles, the exterior of the building is to be clad with lap siding (siding material TBD). The south elevation will have two single carriage style garage doors flanking either side of the approximately 36" people door; west elevation will have an approximately 36" people door.
4. There is a an approximately 36" W concrete walk leading form the sidewalk to the front of the building (north façade). The concrete walk tees and leads west and curves to run along the west elevation of the building to the rear of the building where there are dumpsters and approximately 6 parking spaces. There is also a concrete walk leading from the rear of the building (south façade) to the out-building and the parking area where it tees and runs the width of the lot in both directions connecting to the other walk.

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

The application was received on January 14, 2021 and considered complete and requiring committee level review on January 18, 2021. Staff met with applicant on site prior to the application being submitted. The applicant was aware that this would be a committee case prior to the application being submitted. The case has been scheduled to be heard by the Clifton Architectural Review Committee on February 24, 2021 at 5:30 pm online via WebEx.

## **FINDINGS**

### **Guidelines**

The following design review guidelines, approved for the Clifton Preservation District, are applicable to the proposed exterior alteration: **New Construction - Residential, Garage and 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 building is located on the southeast side of Payne St., four lots west of the intersection with Stoll Ave. The property is zoned R5 within the Traditional Neighborhood Form District. The approximately 600 sq. ft. building is a one-story,

painted cement block dwelling, with a hipped roof clad with asphalt shingles, constructed circa 1944 based on city directories and PVA records. It is surrounded by an eclectic mix of historic residential buildings, and contemporary commercial buildings of various styles, materials, and massing.

The existing building is currently marked non-contributing on the Clifton Preservation District map and is outside the Clifton National Register Historic District boundary, as well. In the evaluation of the property for this case, staff recommends to the Clifton ARC that it does qualify as historic in terms of its age. The building could be considered contributing to the Clifton Preservation District as it relates to residential development of the Clifton Preservation district in the post-World War II period/mid-Twentieth century. The building was constructed for Arthur P. Duggins, a retired switchman for L&N Railroad, widower, father of 2. He lived there alone until circa 1960 when he moved into Sacred Heart down the street. The building's location at the rear of the property reads as an accessory structure even though it served as a residence. It is a modest structure with limited architectural detailing.

### **Conclusions**

The proposed changes generally meet the Clifton Preservation District for **Demolition, New Construction - Residential, Garage and Site**.

The extant building aligns more with the setbacks of the neighboring auxiliary structures, and not the primary structures on the adjacent lots. The building's placement at the rear of the lot makes it difficult to have any private yard. This is a modest structure characteristic of the construction of accessory structures during the time period. The Clifton Demolition Guidelines refer to the Standard Design Guidelines, *Economic Hardship Exemption and Demolition Guidelines* for guidance to evaluate a proposed loss of an historic building. Given that the building was constructed in an accessory structure location, the overall Clifton Preservation District would still be intact and retain its distinctive characteristics. Additionally, the proposed development will create a primary structure on the site which will add to the overall vitality of the district. Per **DE1** and **DE8** the applicant shall complete the **Kentucky Historic Properties Survey Forms** and provide them to staff and the SHPO, along with photographic documentation (including interior) prior to demolition. Per **DE2** the applicant shall take precautions on removal of the historic structure to prevent damage to neighboring resources. Staff also asks to be notified of an excavation schedule for the site and if archaeological discoveries such as artifacts, features, and other archaeological deposits are found during demolition and new construction.

The proposed **New Construction-Residential**, is a contemporary design that emulates the traditional camel back form seen along Payne St. and throughout the district. The new 10-unit condominium building will require a zoning change, if approved by the committee, and will be required to adhere to all applicable regulations per **NCR1**. The proposed new construction is in contradiction to **NCR2**

since it will require the demolition of an existing contributing structure. Given its location, the existing building does read as a secondary structure on the site.

The building design attempts to mitigate **NCR3** by it being 2 stories in the front with a staggered façade to maintain the existing site line as well as the historic setback per **NCR21**. Proposed materials help break up the visual weight of the design. The scale of the proposed building though taller than neighboring buildings, further adds to the eclectic historic character of the district per **NCR4**. The proposed material choices for the building attempt to meet **NCR5** with use of contemporary materials in a muted color pallet. Proposed materials are sympathetic to the size, texture, scale and level of craftsmanship of the surrounding buildings. The proposal is creative in design as **NCR6** encourages. Though the building is large in scale, its form and placement helps to reinforce the human scale of the neighborhood per **NCR7**. The staggered height and front façade generally meets **NCR8** and **NCR9** which encourages not to disrupt important public views, and to reinforce circulation routes. **NCR10** and **NCR 21** by maintaining both the angle and the historic setback of adjacent buildings on the street. **NCR11** is generally met since the proposed design does not imitate a historic style or period of architecture. The building is larger than the surrounding buildings and generally contradicts **NCR18**. The proposal generally meets **NCR12** with its use of materials designed to help break up the building visually as is seen along the street in the existing buildings. **NCR14**, **NCR15** and **NCR16** are generally met with the orientation of the front façade, the walk leading from the sidewalk to the front door, and the proposed design of the front door.

**Garage** Design Guidelines **G2** and **G10** are generally met by the design being complementary in size and form to adjacent structures. The garage / out building is located at the rear of the property, has alley access and proposes parking in the rear for vehicles which meets **G8** and **G9**, so it will not be easily seen from the street. The simple, side facing gable roof is similar in orientation to the roofline of the neighboring buildings and will be clad with asphalt shingles per **G12** and **G13**. The walls will be clad with lap siding (siding material TBD).

Per **Site** Design Guideline **ST1** applicant shall use historic mix concrete for any sidewalks, curbing, or apron installed in public view. The applicant proposes 6 parking spaces to be located at the rear of the property which meets **ST5**.

## **RECOMMENDATION**

On the basis of the information furnished by the applicant, staff recommends a Certificate of Appropriateness be **approved with the following conditions:**

- 1. Wrecking permits shall not be acquired until all Landmarks approvals for the project have been met.**
- 2. Kentucky Historic Properties Survey Forms shall be completed by a professional with photographic documentation (including interior) for the building prior to demolition.**
- 3. Staff shall be notified of an excavation schedule for the site and if archaeological discoveries such as artifacts, features, and other archaeological deposits are found during demolition and new construction.**
- 4. Elevation drawings of all new construction, manufacturer's information on materials, exterior paving materials, and a landscaping plan shall be submitted as a new COA application prior to construction.**
- 5. The proposed lap siding for garage / out building shall have a 3" or 4" reveal depth, and material choice submitted to staff for approval prior to installation.**
- 6. Any visible poured concrete shall be of historic mix.**
- 7. Storm-water management systems in new construction design and water runoff shall not adversely impact nearby historic resources.**
- 8. Applicant shall design storage for waste receptacles to be hidden from view.**
- 9. All other required permits and approvals shall be obtained prior to the start of both the demolition and new construction.**
- 10. If the design or materials change, the applicant shall contact staff for review and approval.**

Bradley Fister

Bradley Fister  
Historic Preservation Specialist

02-16-21

Date

# Demolition

## Clifton Design Guideline Checklist

- +Meets Guidelines
- Does Not Meet Guidelines
- +/-Meets Guidelines with Conditions

- NA Not Applicable
- NSI Not Sufficient Information

	Guideline	Finding	Comment
	<p>The Metro Landmarks Standard Design Guidelines for Economic Hardship Exemption and Guidelines for Demolition also apply to an application for a Certificate of Appropriateness for demolition within the Clifton Preservation District, and associated application for an economic hardship exemption, with the following exception:</p> <p>The Standard Design Guidelines for Demolition DE1-DE6 are replaced in their entirety with the following:</p>	+	The removal of this structure will not adversely affect the overall historic character of the neighborhood, or its appearance as a unified entity. The replacement structure will create a primary structure on the site which strengthens the viability of the district as a whole.
DE1	Any structure in part or in whole 50 years old or older within the Clifton boundary should be preserved. The Landmarks staff will evaluate the demolition request. All demolition proposals must include photographic documentation by the property owner as part of the application submitted to Landmarks. Historic elements cannot be removed until after approval has been obtained.	+	The structure is over 50 years in age and would be considered contributing to the preservation district even though it is not listed on the NRHP. The location of the building and size of the structure give it the appearance of an accessory building on the site. Applicant shall provide photographic documentation prior to demolition
DE2	With approval, when demolishing a non-historic structure or addition, the existing non-historic building or addition should not be demolished in a manner that will threaten the structural integrity of any existing historic structure.		Applicant shall remove the structure in such a way that does not damage neighboring historic resources.
DE3	With approval, when demolishing an addition to an historic structure, be mindful that a wall of the existing structure will be left exposed visually, and to the deteriorating effects of weather. Take steps to insure the structural integrity of this newly exposed wall.	NA	
DE4	With approval, when demolishing an addition to an historic structure, a wall that was once an interior wall may be exposed. Remove the interior finishes and make the wall suitable to be an exterior wall that matches the historic exterior of the structure.	NA	
DE5	With approval, when demolishing an addition to an historic structure, interior openings (such as door openings) will be revealed to the exterior. Retain evidence of exterior door, window openings, or architectural features not incorporated into the interior of the addition. Leave the window or door frame intact. Compatible exterior construction materials should be used.	NA	

	Guideline	Finding	Comment
DE6	The approved removal of a non-historic structure or an addition to an historic structure will create a new land area as a result of their demolition. Take steps to grade and landscape according to the existing topography and landscaping of the historic property and to be consistent with the slope and grade of adjacent properties.	+/-	New building will replace the one that is to be demolished, so the topography should not change.
DE7	The approved removal of an addition to an historic structure may change the look of the street-facing façade of the existing historic structure. Take measures to re-establish the street-facing wall through the use of low fences, walls, and/or vegetation.	NA	
DE8	<p>Where demolition of an historic structure has been approved, or in the event of an emergency Metro-ordered demolition, documentation of the structure to be demolished will be required. The staff or ARC may set the degree of documentation required according to several factors: primary vs. secondary structure, historic value, and historic contribution to the Clifton neighborhood. Documentation may be subject to the following requirements:</p> <ol style="list-style-type: none"> <li>1. Measured floor plans for the first and each additional story, and drawings of exterior elevations showing views of the front and one side. These drawings shall be drawn at the standard architectural scale of 1/4 or 1/8 inch per foot. Measurements should be accurate to the nearest 1/4 inch and should indicate rough openings. Representative examples of original trim and other finish details shall also be measured. Drawing shall be on acid-free paper and indicated original vs. added construction. Additions 50 years old or older shall be shown by dashed lines for exterior walls only. If a primary structure has been approved for demolition, the ARC may require the above. If this is the case, the applicant is advised to hire a professional to fulfill these requirements. If a secondary structure is approved for demolition, the ARC may amend these requirements to require less-stringent documentation (examples: property-owner supplied drawings, drawn by hand).</li> <li>2. Digital photographs showing: the physical relationship to surrounding resources (streetscape); each façade; typical exterior details (e.g., moldings, brackets, rafter ends, brick patterns); typical interior details (e.g., door/window surrounds, staircases, mantels); typical construction details where visible; exterior landscape features; and outbuildings. A contact sheet shall be printed from the digital files on archival paper and submitted (along with the digital files on acceptable electronic media) to the Metro Landmarks Staff. If a primary structure has been approved for demolition, the committee may require the above. If this is the case, the applicant is advised to hire a professional to fulfill these requirements. If a secondary structure is approved for demolition, the ARC may amend these requirements to require less-stringent documentation (examples: property-owner generated digital photographs in an acceptable electronic media).</li> </ol>	+	A Kentucky Historic Resources Survey Form shall be completed with photo documentation (including interior) for the building prior to demolition.



# New Construction - Residential

## Clifton Design Guideline Checklist

+ Meets Guidelines

-Does Not Meet Guidelines

+/- Meets Guidelines with Conditions

NA Not Applicable

NSI Not Sufficient Information

	Guideline	Finding	Comment
<b>NCR1</b>	New construction designs should conform to all applicable regulations including the Land Development Code, Zoning District Regulations, Building, and Fire and Safety codes, MSD, and any other regulatory agency. All new construction architectural designs will be reviewed by the Clifton ARC.	+	Zoning approval shall be obtained prior to moving forward. Applicant shall conform to all applicable regulations.
<b>NCR2</b>	No structure should be demolished to make way for new or large-scale construction. All structures in the district will be identified as either contributing or non-contributing at time of application. The Landmarks staff and ARC will evaluate and review all demolition permit requests. See the Demolition guidelines for more details.	-	Existing historic structure to be demolished. The structure is located at the rear of the property and is of a similar scale to an accessory building. Prior to demolition the applicant shall conduct an architectural survey and submit it to staff and the SHPO.
<b>NCR3</b>	Building height, scale, massing, volume, directional emphasis, and setback should reflect the architectural context established by surrounding structures.	+/-	The building is larger than adjacent buildings but does reflect the architectural context. Payne Street does have a mix of larger scale buildings along with residential scale houses.
<b>NCR4</b>	The scale of new construction should not conflict with the historic character of the district.	+/-	The scale is larger than the adjacent buildings but keeping with the character of the district in terms of design.
<b>NCR5</b>	Building materials and design elements in new construction design should be sympathetic with surrounding historic buildings in the district. Materials should be of a complementary color, size, texture, scale, and level of craftsmanship.	+	Material choices are sympathetic with surrounding historic buildings.
<b>NCR6</b>	Creative design is encouraged. Examples of materials to avoid include: ornamental pierced concrete masonry screens and walls, "antiqued" brick, wrought-iron porch columns, exterior carpeting, jalousie windows, glass block, picture windows, unfinished wood, and asphalt siding. Chain-link fences should not be installed where visually incompatible.	+	Design is creative and uses appropriate materials.
<b>NCR7</b>	New construction design should reflect and reinforce the human scale of the neighborhood, which is a character-defining feature of the preservation district.	+	
<b>NCR8</b>	Important public views and vistas should not be disrupted by new construction design. See the Cultural Landscape guidelines for more details.	+	
<b>NCR9</b>	Existing spatial patterns created by circulation routes, fences, walls, lawns, and allees of trees, should be reinforced in new construction design.	NA	



	Guideline	Finding	Comment
<b>NCR10</b>	The spatial organization established by surrounding buildings should be reinforced in infill construction design. The character of historic streetscapes relies heavily on the visual continuity established by the repetition of similarly designed façades.	+/-	The scale is larger than the historic buildings adjacent to it. The way it is staggered and set back helps to mitigate this.
<b>NCR11</b>	The façade's organization should closely relate to surrounding buildings in infill construction design. Cornice lines and columns are other important character-defining façade elements. Imitating an historic style or period of architecture in new construction is not recommended.	+	
<b>NCR12</b>	A new building's mass should have a similar sense of lightness or weight as surrounding historic structures. Mass is determined by the proportion of solid surfaces (walls) to voids (window and door openings).	+	
<b>NCR13</b>	Window patterns should be sympathetic with those of surrounding buildings. Compatible frame dimensions, proportion, panel and light, and muntin configurations are encouraged. Historic window proportions are generally two-and-one half (height) by one (width).	+/-	Window placement is balanced and sympathetic to surrounding buildings.
<b>NCR14</b>	Front door design should be sympathetic to the door patterns of surrounding buildings in new construction design. Use of comparable frame dimensions, proportion, and panel and light configuration is encouraged.	+	Proposed door design is sympathetic to surrounding buildings.
<b>NCR15</b>	The orientation of the main entrance should be the same as the majority of other buildings on the street in new construction design.	+	Orientation is the same as the surrounding buildings
<b>NCR16</b>	Paved walks should be installed between public sidewalks and front entrances where this is a character-defining feature on the street.	+	Paved walk leads from sidewalk to the front door.
<b>NCR17</b>	Handicapped access ramps should be located on secondary elevations (side or rear) wherever possible. If the only option is to install the ramp on the street address façade, it should be installed in a manner that does not damage historic fabric and is as unobtrusive as possible. Removable or portable ramps may also be used.	NA	
<b>NCR18</b>	Infill construction design should be compatible with the average height and width of surrounding buildings.	+/-	Compatible but taller and wider than those next to it.
<b>NCR19</b>	Horizontal elements such as band boards, brick coursing, window sills or lintels in new construction design should be within 10 percent of adjacent historic construction where the similar height of the horizontal elements is relatively consistent, and a character-defining feature.	NA	
<b>NCR20</b>	The historic rhythm of the streetscape should be maintained.	+	Rhythm of material, design, and placement
<b>NCR21</b>	Historic building setback patterns should be maintained. To maintain the continuity of the streetscape, front setbacks for new construction should either match that of adjacent buildings where all share the same setback or be within 20 percent of neighboring structures in areas with varied setbacks.	+	Follows the historic setback pattern on the street
<b>NCR22</b>	Roofs of new buildings should relate to neighboring historic structures in pitch, complexity, and visual appearance of materials.	+/-	The roof design though different does relate to the surrounding buildings.
<b>NCR23</b>	Rooflines for infill construction design should follow the precedent set by adjacent buildings. Where the predominant form is flat, built-up roofs are preferred. Where the predominant form is complex and steeply pitched, that is preferred. In blocks characterized by shallow-pitched roofs and pronounced overhangs with exposed rafters, these elements should be incorporated.	+/-	The roof design though different does relate to the surrounding buildings.

	Guideline	Finding	Comment
<b>NCR24</b>	The orientation of the main roof form in new construction design should be parallel with the majority of other roofs on the street where roof forms are relatively consistent and a character-defining feature.	+/-	Roof form is parallel to adjacent properties.
<b>NCR25</b>	The existing cornice line on each block should be emphasized in new construction design where this is a character-defining feature.	NA	
<b>NCR26</b>	Rooftops should remain uncluttered and mechanical systems should be obscured from public view in new construction design.	+	Applicant shall keep mechanical systems concealed.
<b>NCR27</b>	Trash receptacles should be screened from public view with a four-sided enclosure.	+/-	Enclosure not proposed, but can not be seen from front façade.
<b>NCR28</b>	Exterior sheathing should be compatible with surrounding historic buildings. Painted wood siding or fiber cement board is preferred. Vinyl siding may be used for new construction on streets where the predominant historic construction material is wood. See Siding and Trim guidelines for additional details.	+	Compatible materials
<b>NCR29</b>	Masonry types and mortars should be compatible with surrounding buildings. Red brick is the most common masonry material found in the district. See Masonry guidelines for additional details.	NA	
<b>NCR30</b>	Stone or cast-stone sills and lintels should be incorporated into new construction design on streets where these elements are character-defining features.	+	
<b>NCR31</b>	Raised masonry foundations which are compatible in proportion and height with surrounding buildings should be used. Foundation materials may be of a warm-toned poured concrete or stuccoed concrete block that has a uniform, textured appearance.	+	Raised masonry foundations shall be coated
<b>NCR32</b>	New front porches should be built on streets where they are a predominant character-defining feature, and are allowed on other streets, and should be compatible with the form, scale, and detailing of surrounding buildings. New columns should consist of a base, shaft, and capital, and convey the appearance of actually holding up the porch roof.	+	
<b>NCR33</b>	Porches on newly constructed buildings should be designed so the floor is even with or a maximum of one step below the corresponding floor of the house, the ceiling is even with that of adjacent rooms, the floor is at least 6' deep, the rhythm of the porch bays matches the façade's pattern of solids and voids, and the porch fascia board matches the height of the window head.	+	
<b>NCR34</b>	Storm-water management systems in new construction design and water runoff should not adversely impact nearby historic resources.	+	

## Garage

### Clifton Design Guideline Checklist

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

	Guideline	Finding	Comment
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<b>G1</b>	Contributing secondary structures should be preserved. However, when demolition is being requested to make way for a new secondary building, then Landmarks staff and/or the ARC will evaluate and review the demolition permit request based on the structure's integrity, historical character and materials, functionality, and security concerns. All structures in the district will be identified as either contributing or non-contributing at the time of application. See the Demolition guidelines for more details.	-/+	The existing building reads as a secondary structure on the site. The new construction will include both a primary structure and a new secondary structure on the site.
<b>G2</b>	New garages or other secondary structures should be designed so they complement the scale, mass, roof form, setback, and materials of adjacent secondary structures. They should also be subordinate to the primary structure.	+	
<b>G3</b>	New garages should be sited adjacent to an alley where present. Review the garage prototype illustration that identifies styles appropriate to preservation districts when planning a garage construction project.	+	Alley access available
<b>G4</b>	When no alley exists, garages should be sited at the rear of the property behind the main house. Landscape screening is encouraged along the driveway.	NA	
<b>G5</b>	Single garage doors should be used rather than expansive double or triple doors.	-	Double-door proposed based on size of alley.
<b>G6</b>	The roofline of a new garage should be oriented, so it is parallel with the main house or follows the predominant pattern of existing secondary structures when a pattern exists.	+	Main structure has a high pitch front facing gabled roof, proposed orientation of the garage gable is similar.
<b>G7</b>	Roof pitch should be no less than one in six. The roof form of the garage should match the roof form of the main house when it is a character-defining feature.	+	8:12 pitch
<b>G8</b>	New garages should be designed so access to off-street parking is off alleys or secondary streets wherever possible.	+	Alley access available

	Guideline	Finding	Comment
<b>G9</b>	New garages should be located at the rear of the property, should define and enclose the rear yard, and should be aligned with adjacent secondary structures.	+	
<b>G10</b>	The garage design should be simple and rectangular in shape. Ell-shaped floor plans, slightly-projecting bays, and cantilevered second floors are also permitted.	+	
<b>G11</b>	New garage walls should be constructed with any of these materials (1) Horizontal siding to match existing exposure of the primary structure (normally 3" or 4" exposure), (2) corner boards and trim around openings, (3) board and batten siding, (4) brick, (5) stucco over frame or concrete block, (6) painted concrete block with parged or flush joint finish, (7) cast stone, molded concrete block, or (8) wood, aluminum or vinyl siding, or fiber cement siding or board to match existing exposure of the primary structure. Do not use these materials: T-111, exposed uncoated concrete block, or painted concrete block unless parged or skim coated first.	+	Lap siding, final material choice to be presented to staff prior to installation.

<b>G12</b>	Approvable roof designs include simple gable roofs (6-in-12 minimum slope), hipped, shed, and flat roofs with parapets, intersecting gables, overhanging eaves, and gable end-vents. Not approvable are low-pitched gable roofs (less than 6-in-12 slope), flush eaves, and roofs without gutters.	+	6:12 gable
<b>G13</b>	Asphalt, fiberglass, wood, tile, metal, slate or synthetic shingles are recommended roof materials. Half-round or ogee gutters, gable-end elements, and solar collectors are approvable. Do not use membrane or roll roofing on sloped roofs with 3-in-12 pitch or greater. See Roofing guidelines for additional details.	+	Asphalt shingles; ogee gutters
<b>G14</b>	Single-car garage doors or openings are preferred. Double- or triple-wide doors which convey the appearance of 2 or 3 single doors may be approved. Flush garage doors which accentuate the large size of the opening are prohibited.	+	Two single garage doors are proposed
<b>G15</b>	Garage window openings should be used that visually break up the wall's surface and may be placed at higher elevations for security. Security grills may be installed on the inside face of the windows.	+/-	There are no windows proposed.

## Site

### Clifton Design Guideline Checklist

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

	Guideline	Finding	Comment
<b>ST1</b>	Paving materials (concrete, brick, paver stones, cobblestones, asphalt, gravel, stone, permeable or pervious materials) that are compatible with adjacent sites and architectural character should be used for private sidewalks, drives, and roadways.	+	Existing alley will be utilized for access. Applicant shall use historic mix concrete for any proposed concrete.
<b>ST2</b>	Historic paving materials for streets, alleys, sidewalks, and curbing (brick, hexagonal pavers, cobblestones, limestone, granite, or natural stone) should be protected, maintained, restored, and reused. The historic relationship between the road surface and edging should be preserved. Replacement with historic materials is encouraged. 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. See Masonry M13 guideline for cement mortar mix recipe.	+	Applicant shall retain any historic limestone curbing.
<b>ST3</b>	Steps on private property made of brick, stone, or poured concrete should be maintained wherever present. If replacement is required, original materials should be used. New construction should incorporate steps where they are a character-defining feature.	NA	
<b>ST4</b>	Paving companies and utility contractors shall not harm historic resources during road or underground utility repair projects.	NA	

<b>ST5</b>	Driveways, parking areas, and loading docks should be constructed or located to the side and rear of properties. Alley access is preferred.	+	Rear yard; already exists onsite
<b>ST6</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 re-contour front yard berms into stepped terraces. Do not use railroad ties, landscape timbers, or any other historically inappropriate material for retaining walls.	NA	
<b>ST7</b>	Excavations, trenching or re-grading adjacent to a building or site should be performed cautiously so as not to cause the foundation to shift or destroy significant archeological resources. Every reasonable effort shall be made to protect and preserve architectural resources affected by, or adjacent to, any project.	NA	
<b>ST8</b>	Masonry walls in street-visible locations should not be installed unless they are used to retain earth at changes in grade, screen service areas, or unless an historic precedent exists.	NA	

	Guideline	Finding	Comment
<b>ST9</b>	Retaining wall and curbing should match the existing character of the original materials when carrying out limited replacement projects. If an exact match cannot be made, a simplified design is appropriate.	NA	
<b>ST10</b>	Fencing should match existing sections of fencing in material, height, design, and detail when carrying out limited replacement projects. If an exact match cannot be made, a simplified design is appropriate.	NA	
<b>ST11</b>	Iron fencing should be installed, historically compatible, and of a similar height where there is a demonstrable historic precedent.	NA	
<b>ST12</b>	Front yard fencing should not be installed where there is no historic precedent.	NA	
<b>ST13</b>	Rear yard or side yard privacy fencing should be installed with the finished side out and a side wall setback from the front of the house of at least two feet. Privacy fencing should be less than seven feet in height. Refer to the Land Development Code or contact the Department of Codes and Regulations regarding additional restrictions on fencing at corner properties.	+	
<b>ST14</b>	Chain-link fencing painted black or dark color may be installed in residential front yards or along commercial corridors at the street where there is an historic precedent. Split-rail, woven-wood fencing, opaque fencing, painted or stained pressure-treated wood fencing, or recycled or reclaimed materials may be permitted with appropriate design. Synthetic or composite fencing that is durable may be considered.	NA	
<b>ST15</b>	Exterior lighting fixtures should not be falsely historical. The fixture should be attached to the exterior in a way as to not damage historic fabric.	+	Exterior lighting shall be presented to staff for approval prior to instillation
<b>ST16</b>	Exterior lighting for parking areas, architectural features, or other site areas should be directed down and away from neighboring properties. Energy-efficient lights should be used to create a soft illumination and to minimize the impact to adjacent properties. Reference the Land Development Code for illumination restrictions.	+	Applicant shall present lighting to staff for approval prior to instillation
<b>ST17</b>	Parking lot design requires a portion of the parking area to be landscaped or buffered from adjoining properties. Reference the Land Development Code for specifics on parking lot design, maneuvering, landscaping, and buffering requirements.	NA	
<b>ST18</b>	Auxiliary fixtures, such as air conditioning units, satellite dishes, rain barrels, greenhouse additions, and overhead wiring, should be located on secondary elevations (side or rear) so they do not detract from the street-address façade and the character of the site.	NA	
<b>ST19</b>	Trees in front yards should be preserved. Established street tree patterns should be enhanced by planting additional trees along the public rights-of-way in the grass area between the street and sidewalk. Consult the city arborist or Frankfort Avenue Street Tree Master Plan to determine tree species that are suitable for placement near overhead wires. Removal of trees within or immediately adjacent to a public right-of-way or within public open spaces requires review by Landmarks staff unless directed by the city arborist for emergency or public safety concerns.	NA	

<b>ST20</b>	Cellular towers and associated fixtures should be strategically located to minimize the impact on historic view shed(s), screened from public view, and should not damage historic elements when attached to structures.	NA	
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	Guideline	Finding	Comment
<b>ST21</b>	Utility lines should be installed underground whenever possible.	NA	
<b>ST22</b>	The concrete mixture should match the existing or historic concrete mixture when repairing or replacing sidewalks or installing new sidewalks in the public right-of-way. Contact the Landmarks staff for the appropriate mixture and specifications.	+	All poured concrete shall be historic mix

# Economic Hardship Exemption

## AND GUIDELINES FOR DEMOLITION

### Introduction

Historic buildings, for one reason or another, present particular challenges for rehabilitation, adaptive reuse, and sometimes even continued habitation. All buildings require proper maintenance, and older buildings are particularly susceptible to deterioration. In the absence of a good roof or a few windows, the elements can do irreparable damage within a surprisingly short period of time.

Abandoned buildings are particularly subject to rapid deterioration and may attract vagrants or vandals who will, intentionally or not, accelerate the deterioration. The best way to prevent demolition is to keep buildings properly maintained and secured. But it is an unhappy reality that occasionally buildings deteriorate to the point that demolition becomes a consideration.

The first and most important guideline for demolition of an existing contributing structure within any historic district or any individual landmark within the City of Louisville is:

Unless the City has determined that it poses an imminent threat to life or property, do not demolish any historic structure or part of a historic structure that contributes to the integrity of any historic district or individual landmark unless: 1) the demolition will not adversely affect the district's (or the landmark's) distinctive characteristics, taken as a whole, retained over time 2) the demolition will not adversely affect the district's importance as a "unified entity" composed of interrelated resources united historically or aesthetically by plan or physical development; and 3) the proposed replacement structure and development will strengthen the viability of the district as a whole.

The rationale for this kind of inflexible regulation is that historic districts are subject to seemingly small losses and degradation that will, over time, amount to significant and irreversible damage to the integrity and character of the historic district. This strict guideline recognizes and protects the significance of every one of Louisville's historic buildings.

### The Economic Hardship Exemption

When an application for demolition or new construction is denied, an applicant may appeal for an economic hardship exemption from one or more specific guidelines. The procedure for determining economic hardship is rigorous, and the standards set for determining what constitutes economic hardship are quite high. The test for economic hardship is not whether demolition or proposed new construction provides a better use or return, but whether denial of the owner's request to demolish or build deprives the owner of *any reasonable beneficial use* in the case of a non-income producing property, or *any reasonable return* in the case of an income-producing property. The burden of proof is on the property owner to prove that any reasonable beneficial use (in the case of non-income producing property) or any reasonable return (for income producing property) cannot be obtained without the proposed demolition and/or new construction.

### Determining Economic Hardship

The City of Louisville has established a procedure to evaluate whether or not its historic preservation guidelines for demolition and/or new construction constitute an economic hardship for individual property owners who request an exemption. The attached flow chart presents the process graphically. The process is intended to give fair review and consideration to the possibility that a property owner may have a claim to being exempt from specific historic preservation guidelines pertaining to demolition and new construction. The appeal for an economic hardship exemption is completely separate from the review of an application for a Certificate of Appropriateness, but must be initiated at the time the application is filed. The process is fair but requires the property owner to provide substantial proof that he or she deserves an exemption due to economic hardship.

The process to apply for an economic hardship exemption begins when the property owner applies to the Landmarks Commission for a Certificate of Appropriateness. The property owner must, *upon*

*submission of the application for the Certificate of Appropriateness*, submit evidence and documentation establishing that compliance with a specific design guideline or guidelines will constitute economic hardship. It is thus attendant upon the property owner to anticipate when he or she may require an economic hardship exemption from one or more of the guidelines for demolition and new construction. The property owner should consult with the staff of the Landmarks Commission, if he or she suspects the project will require an economic hardship exemption. The documentation and evidence required for the determination of economic hardship is discussed below.

The application for a Certificate of Appropriateness will be reviewed by the Architectural Review Committee. Should the Architectural Review Committee deny the application, the applicant may appeal the denial to the Landmarks Commission or, in cases of demolition or new construction, request an economic hardship exemption from compliance with the specific guideline(s) that constituted the basis of denial of the application. The applicant has ten days from notice of the Committee's decision to file a formal request for an economic hardship exemption.

The Commission will review the evidence and documentation prepared by the applicant and will conduct a public hearing specifically to address the request for an economic hardship exemption. The Commission may require the applicant to hire an approved independent real estate consultant to evaluate the documentation and evidence submitted by the applicant. Within 60 days of the Commission meeting at which the request for an exemption is received, the Commission must render its decision, a copy of which is sent to the applicant and the Commission. The Commission's decision to deny the request for the exemption is final, and will result in the denial of the Certificate of Appropriateness. If the Commission approves the request for the economic hardship exemption from specific demolition and new construction design guidelines, the Commission will issue a Certificate of Appropriateness, with or without conditions, within 30 days of approving the exemption.

### **Evidence and Documentation of Economic Hardship**

The Landmarks Commission is charged with a detailed review of the facts associated with building projects that have the potential to have significant negative effect upon the character of Louisville's historic districts and individual landmarks. In order to make informed and fair evaluations of specific

proposals, the Commission requires detailed information pertaining to the finances of the historic structure as well as the use to which it will be put.

In order to be granted the hardship exemption that would clear the way for demolition of an income producing historic structure or for new construction, the applicant must provide clear and convincing evidence that any reasonable return cannot be obtained from the Property or Structure without approval of the request for demolition or for new construction. In order to show that any reasonable return cannot be obtained, the applicant must show that:

1. the Property or Structure currently is not capable of providing any reasonable return; and
2. *bona fide* efforts to sell or lease the Property or Structure have been fruitless; and
3. the costs required to rehabilitate the Property or Structure are such that any reasonable return on such an investment is not achievable.

In order to be granted the hardship exemption that would clear the way for demolition of a historic structure that is non-income producing (e.g., owner-occupied residences) or for new construction, the applicant must demonstrate through a preponderance of the evidence that the Property or Structure cannot be put to any reasonable beneficial use without approval of the request for demolition or for new construction. In order to show that beneficial use of the Property or Structure cannot be obtained, the applicant must show that:

1. the Property or Structure cannot now be put to any beneficial use; and
2. *bona fide* efforts to sell or lease the Property or Structure have been fruitless; and
3. it is not economically feasible to rehabilitate the Property or Structure.

In order to meet the tests set out above, an applicant seeking an economic hardship exemption should provide the following information pertaining to the historic structure.

#### **A. Financial Information**

1. Purchase Price, Date, and seller, including relationship, if any.
2. Copy of current Deed.
3. Current assessed value of land and improvements.

4. Annual gross income of property, if applicable.
5. Operating and Maintenance Expenses.
6. Real Estate Taxes, if applicable.
7. Annual Cash Flow from property.
8. Other federal income tax deductions produced, if applicable.
9. Any and all Appraisals.
10. All listings for sale or rent in the past 2 years.
11. Prices asked and offers received, including broker's testimony.
12. Profitable and adaptive reuses considered, as applicable.
13. Tax returns on or relating to property.

**B. Determination of Reasonable Return/Feasibility of Beneficial Uses**

1. Report from licensed architect or engineer regarding condition of structure.
2. Identification of alternative uses.
3. Cost estimates associated with rehabilitation for reasonable uses, including the scope of work upon which the cost estimate is based.
4. Pro forma of projected revenue and expenses for use or reuse of existing improvements, including the use of any tax credits, if applicable.
5. Estimate of current market value of property, with land and existing improvements as is.
6. Estimate of Internal Rate of Return based upon pro forma of income and expenses, including tax credits and estimate of equity investment, if applicable.
7. Estimates and analysis of the net impact of proposed new construction in stabilizing property values and the integrity of the District as a whole or of the Local Landmark.
8. Such other information as the Commission may reasonably request.

**Demolition by Neglect**

The deteriorated condition of a historic building attributable to the owner's failure to provide proper maintenance over an extended period of time will not be considered a mitigating circumstance in evaluations of economic hardship. Hardship that is attributable to a building's being allowed to

deteriorate will be considered self-imposed; restoration costs incurred to remediate such neglect will not be considered.

**Guidelines for Demolition**

In the case of applications to demolish both contributing and non-contributing buildings, Certificates of Appropriateness for demolition will not be granted until the design for new construction and the entire development has been reviewed and approved by the ARC and/or the Commission. The Certificate of Appropriateness shall contain a condition that the demolition permit shall not be issued until the permit for construction of the entire development has been issued.

In the case of demolition of non-contributing buildings and additions within Louisville historic districts, follow these guidelines:

- DE1** Do not demolish existing non-contributing buildings and additions in a manner that will threaten the integrity of existing contributing structures.
- DE2** Do take steps to assure the integrity of a wall exposed to the elements by the removal of a non-historic addition.
- DE3** Do remove non-historic interior finishes such as plaster, drywall or paneling that may be exposed as a result of the removal of non-historic additions.
- DE4** Do infill non-historic openings in historic walls, exposed as a result of the removal of the non-historic finishes.
- DE5** Do landscape areas that are left vacant as the result of removals of non-contributing buildings and additions. Topography should be made consistent with that of adjacent properties. The slope and grades of land left vacant after demolition should continue and be consistent with those features on adjacent properties.
- DE6** Do take measures to reestablish the street wall after demolition through the use of low fences, walls, and/or vegetation.

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*Economic Hardship Guidelines approved by the City of Louisville Board of Aldermen, December 17, 2002.*

# Economic Hardship Exemption Application Flow Chart

Application submitted for demolition or new construction, including information establishing the property's inability to provide reasonable beneficial use or return.



Application denied by the Architectural Review Committee; denial upheld by the Landmarks Commission.



Within ten days of the Landmarks Commission's decision, the applicant must file a request for an economic hardship exemption from the specific guidelines that were the basis of the denial.



The applicant prepares evidence and documentation regarding economic hardship.



The Landmarks Commission reviews documentation and evidence.



The Landmarks Commission holds a public hearing.



Within 60-days the Landmarks Commission renders a decision and sends a copy of the decision to the applicant.



The Landmarks Commission's decision is final. If the application for the economic hardship exemption is approved, the Commission issues a Certificate of Appropriateness with or without conditions. If the application is not approved, no Certificate of Appropriateness is issued.