

**HISTORIC LANDMARKS AND PRESERVATION DISTRICTS
COMMISSION MINUTES
October 20, 2016**

A meeting of the Louisville Metro Historic Landmarks and Preservation District Commission was held on Thursday, October 20, 2016 at 9:00 a.m. the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Commission Members present:

Bob Vice, Chair
Jay Stottman
Emily Liu
Roberto Bajandas
Reba Doutrick
Milton Haskins Jr.
Chris Hartman
Joanne Weeter (arrived at approximately 9:20 a.m.)
Carye Jones (arrived at approximately 9:20 a.m.)

Commission Members absent:

Robert Kirchdorfer
Tom Owen
Amin Omidy
Tamika Jackson (unexcused absence)

Staff Members present:

Bob Keesaer, Urban Design Supervisor
Cynthia Johnson Elmore, Historic Preservation Officer
Joe Haberman, Planning and Design Manager
Savannah Darr, Historic Preservation Specialist
Becky Gorman, Historic Preservation Specialist
Burcum Keeton, Architectural Projects Coordinator
Will Ford, Communications Specialist
John Carroll, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

00:09:16 On a motion by Commissioner Haskins, seconded by Commissioner Hartman, the absences of Commissioners Kirchdorfer, Owen, and Omidy are **EXCUSED**. The motion carried by a unanimous vote.

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Approval of Minutes

Approval of the minutes of the meetings of the August 18, 2016 and September 15, 2016 Historic Landmarks and Preservation Districts Commission.

00:12:11 Commissioner Vice discussed the reasoning behind the continuance of Case No. 16DESIGNATION 1000 on August 18, 2016. He said the reason was to obtain additional information. Although this information is in the recording, he wanted this information in the minutes. After some discussion among the Commissioners, it was decided to add the following paragraph to the August 18, 2016 minutes:

“03:09:26 In response to questions raised by the property owners regarding the integrity of the structure, and whether this was the historic home of Bishop Smith, the Commission requested additional information and the opportunity to visit the site, which was agreed to by the property owners.”

00:22:36 On a motion by Commissioner Weeter, seconded by Commissioner Liu, the following resolution was adopted:

RESOLVED, that the Historic Landmarks and Preservation District Commission does hereby **APPROVE** the minutes of the August 18, 2016 and September 15, 2016 Historic Landmarks and Preservation Districts Commission meetings, with the discussed amendments to the August 18th minutes.

The vote was as follows:

YES: Commissioners Liu, Stottman, Bajandas, Haskins, Hartman, Doutrick, Weeter, Vice, and Jones.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer, Owen, Omidy, and Jackson.

ABSTAINING: No one.

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Public Hearing

Case No. 16COA1167 Appeal

Request: Appeal of Old Louisville ARC decision on 16COA1167
Project Name: 1202 S. Third Street façade modification
Location: 1202 S. Third Street
Jurisdiction: Louisville Metro
Council District: 6 – David James

Case Manager: **Savannah Darr, Historic Preservation Specialist**

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Historic Landmarks and Preservation District Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:23:59 Commissioner Vice reviewed all of the documents available online regarding this case. He explained the procedure of appeals and the standards of review.

00:26:55 Savannah Darr presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) She said the case originally went to the Architectural Review Committee [ARC] on August 17, 2016. The Committee asked that the case be continued in order for the applicant to provide more detailed information about the aluminum pieces, how they would be applied to the building, whether they would be flashed appropriately, etc. (further design and manufacturer information.) The ARC met again on September 14, 2016 to hear the new information and vote on the case.

The following spoke in favor of the appeal:

Christopher White [appellant], 119 West Ormsby Avenue, Louisville, KY

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Summary of testimony of those in favor of the appeal:

00:32:26 Christopher White, the appellant, presented his case and showed a Power Point presentation (see recording for detailed presentation.) He reviewed the historic significance of the façade, and said the approval of “falsely historic” design elements is inappropriate. He reviewed the 10 design guidelines which he said were not met; also, the “Historical Signifiers” of the façade design.

00:40:55 Mr. White reviewed the history of the building and the showed the original 1939 designs, as well as the final 1947 design.

00:51:05 Mr. White discussed the Secretary of the Interior Standards as opposed to Four Approaches to the Treatment of Historic Properties. He reviewed the Secretary of Interior Standards.

00:56:05 Mr. White described the “procedural irregularities” he felt took place during the Committee meetings.

The following spoke in opposition to the appeal:

Nick Ellis [building owner], CFG Holdings, 1465 South 4th Street, Louisville, KY

Summary of testimony of those in opposition to the appeal:

01:00:38 Nick Ellis, the building owner, presented his case. He said the building never looked like the architects’ renderings, and pointed out the differences. He said the Victorian roofs were never removed. Mr. Ellis passed out photos of the site, and stated that the pieces of granite on the façade are “broken and decaying”. He also disputed a statement that the two ARC meetings were “contentious”.

The following spoke neither for nor against the appeal (“Other”):

No one spoke.

Commissioners’ Questions/Discussion:

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01:11:37 Commissioner Weeter asked Ms. Darr about the architectural firm that designed this building in 1939. Ms. Darr gave a brief summary of the history of the firm. In response to another question from Ms. Weeter, Ms. Darr said that some of the other buildings designed by this firm have been designated as landmarks.

01:13:54 Commissioner Vice said that this structure is in the Old Louisville Preservation District – is this is a “contributing structure” in this district? Ms. Darr said it was not, and explained why. This local preservation district was created in the early 1970’s. She discussed the history of this district and how this building fit into that. It is the National Register district in which the building is considered “non-contributing.”

01:17:37 Robert Keesaer discussed past practices about how older and newer historic designations have been applied in different districts (see recording for detailed presentation.) Commissioner Weeter also commented about how local municipalities follow national guidelines. Cynthia Johnson Elmore discussed how the Landmarks Ordinance provides designations as individual buildings age.

01:21:28 Commissioner Vice asked for clarification as to which standard this building will be held to. He asked if the Old Louisville ARC made its decisions based on the judgement that this building was outside of the period of significance and was therefore not subject to protection from the Guidelines. Ms. Darr said that was the justification that the ARC came to.

01:24:03 Commissioner Weeter discussed how National Register designations are used as planning tools.

01:25:31 Commissioner Liu said that there were 10 Guidelines cited by Mr. White that he said were not met, but there appeared to be 44 Guidelines that were met. She asked Ms. Darr if cases are approved only if all Guidelines are met. Ms. Darr said it depends on each individual case.

Commissioner Stottman left the meeting at approximately 10:30 a.m. but returned at approximately 10:45 a.m.

01:26:37 Commissioner Bajandas asked if there was any conflict of interest that was raised by Mr. White regarding Mr. Bajandas's prior knowledge of the architect before the meeting. Staff, legal counsel, and the ARC Committee and

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the Historic Landmarks Commission did not see any conflict. Ms. Darr said he had publicly brought that up at the start of the ARC meetings.

01:28:00 Commissioner Bajandas asked Ms. Darr why her staff report had no recommendation either for or against the request. Ms. Darr explained there were some areas where it was not clear to staff how to apply the Guidelines – is this structure Victorian or Art Deco? That is why the issue was given to the ARC to determine. Commissioner Bajandas said any decision regarding this building will not set a precedent for the Victorian buildings in the neighborhood.

01:32:40 Commissioner Weeter referred to the photo of the primary facade of the building and discussed similarities and differences from the 1947 elevations. She said she strongly believes that this building has “a high level of architectural integrity” and that the building is significant.

01:36:08 Mr. Ellis said this architectural firm is known for their bus terminals. He added that only the front façade was developed in the Art Deco style; the three remaining sides retain their Victorian character. He also discussed his experience regarding Kentucky Historic Tax Credits.

01:46:49 Commissioner Weeter said that, in their letter dated October 5, 2016, the State Historic Preservation Office stated that, based on “new information”, they now support the conclusion of National Register eligibility for this structure.

01:47:10 Mr. White said a precedent is being set, by destroying a facade and putting in "false historical" elements. Commissioner Bajandas argued that the ARC’s decisions in this case do not set a precedent for the Victorian buildings in the area.

01:50:43 Commissioner Vice briefly reviewed the case and the guidelines and procedure to consider an appeal.

Motion and Discussion:

01:52:23 Commissioner Doutrick made a motion to uphold the Old Louisville Architectural Review Committee’s decision, for the reasons as stated in the Certificate of Appropriateness. Motion was seconded by Commissioner Liu.

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01:53:12 In response to a question from Commissioner Weeter, Ms. Darr said the elevations from 1947 were presented to the ARC but not the 1939 plan. This was new information that was provided by Mr. White. (See recording for detailed discussion.) She also brought up the October 5, 2016 letter from the State Historic Preservation Office, which arrived after the August and September meetings of the ARC. Tax credits were also discussed between Commissioner Weeter and Mr. Ellis.

02:00:11 Commissioner Stottman described how ARCs are intended to function, as well as his opinions on this case.

RESOLVED, the Louisville Metro Historic Landmarks and Preservation Districts Committee does hereby **UPHOLD** the Old Louisville Architectural Review Committee's decision, for the reasons as stated in the Certificate of Appropriateness.

The vote was as follows:

YES: Commissioners Liu, Stottman, Haskins, Hartman, Doutrick, Vice, and Jones.

NO: Commissioner Weeter.

NOT PRESENT: Commissioners Kirchdorfer, Owen, Omidy, and Jackson.

ABSTAINING: Commissioner Bajandas.

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Business Session

Case No. LMC.ARC.Cont.Ed

Request: ARC & LMC Continuing Education
Project Name: ARC – Appointment
Jurisdiction: Louisville Metro

Case Manager: **Bob Keesaer, Urban Design Supervisor**

02:06:16 The Commission tabled this agenda item for review at an unspecified date.

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ADJOURNMENT

The meeting adjourned at approximately 11:15 a.m.

Chairman

Division Director