



Historic Landmarks and Preservation Districts Commission

Certificate of Appropriateness Report of the Committee

To: Ken Hand
Thru: Cherokee Triangle Architectural Review Committee
From: Savannah Darr, Historic Preservation Specialist
Date: May 9, 2016

Case No: 16COA1076
Classification: Committee Review

GENERAL INFORMATION

Property Address: 2228 Patterson Avenue

Applicant: Ken Hand
2228 Patterson Avenue
Louisville, KY 40204
502-418-9054
kenhand@gmail.com

Owner: same as applicant

Contractor: Ted Smith

Estimated Project Cost: \$5,000

Description of proposed exterior alteration:

The applicant seeks approval for an after-the-fact retaining wall along the front yard at the public sidewalk. The wall is constructed of stacked cut limestone and is approximately 19" in height. The wall was built to match the rear retaining wall at Willow Avenue and an alley, which was approved by Landmarks staff in 2009.

Communications with Applicant, Completion of Application

The application was received on April 11, 2016 after the owner received a notice of violation letter. Staff conducted a site visit on March 29, 2016 after receiving calls from neighbors about the unapproved retaining wall.

The Cherokee Triangle ARC met on April 27, 2016 with the meeting commencing at 4:38 pm with committee members Monica Orr, Jim Mims, and Christopher Quirk present and Michael Gross presiding as chair. This was the sixth of eight cases to be heard. Ted Smith, the contractor, was present to represent the owner and applicant Ken Hand who was called away on business at the last minute.

Ms. Darr presented the case for the after-the-fact approval of the retaining wall and recommended approval with modifications. Mr. Smith explained that he built due to constant soil erosion. Jennifer Schultz of 1248 Bassett Avenue expressed concerns about the ramifications of the ARC approving after-the-fact retaining walls when she was told she could not build a wall in her COA application. She also had broader concerns about the COA process being followed and the lack of code enforcement. Ms. Orr noted that there was no real need for a wall at that location. Mr. Quirk commented that the wall was beautiful but it does not fit in the Cherokee Triangle Preservation District. Mr. Quirk made a motion to remove the wall altogether and add a low curbing along the sidewalk not to exceed 3" in height or flat steel curbing. Ms. Orr seconded the motion. The motion carried with ayes.

FINDINGS

Guidelines

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

The following additional findings are incorporated in this report:

Site Context/Background

The R5B zoned property in the Traditional Neighborhood Form District is located on the southeast side of Patterson Avenue at the corner of Patterson and Willow Avenues. The home is a two-story gambrel front frame home. The surrounding buildings are predominately one and two-story frame homes.

Conclusions

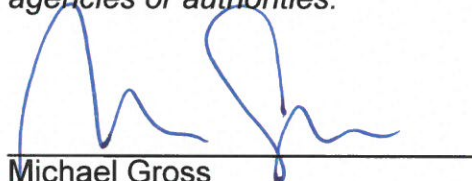
The proposed retaining wall generally meets the **Site** guidelines for the Cherokee Triangle Preservation District. While the limestone is a historically accurate material, its stacking pattern is not necessarily appropriate for the District. The wall in the rear is visible from Willow Avenue but not the front of the house. This front wall would be more fitting if it were mortared. However, had this application been seen by staff prior to construction, staff would have recommended that the applicant pursue better vegetation rather than a wall. The grade change is not so significant to warrant a retaining wall. The majority of the yards in Cherokee Triangle slope toward the street. Since this is an after-the-fact application, staff recommends approval as long as the applicant removes one to two coursings of stone from the front height to bring the wall down to approximately 10" in height. The ARC ruled that the wall shall be removed altogether, and small curbing, not to exceed 3" in height, shall be constructed along the sidewalk. This curbing can be a stone, brick, flat steel, or concrete material.

DECISION

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

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

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



 Michael Gross
 Presiding Chair

May 10, 2016
 Date

Attached Documents / Information

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

SITE

Design Guideline Checklist

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

	Guideline	Finding	Comment
ST1	Consider the relationships that exist between the site and structure when making exterior alterations. Changes to one will affect the other. A primary goal should be to maintain a complementary relationship.	+/-	See conclusions
ST2	Retain established property line patterns and street and alley widths. Any replatting should be consistent with original development patterns.	NA	
ST3	Use paving materials that are compatible with adjacent sites and architectural character.	NA	

ST4	Restore and reuse historic paving materials for streets and sidewalks such as brick and hexagonal pavers and limestone curbing. Maintain original curbing whenever possible. The historic relationship between the road surface and edging should be preserved. Any replacement should use historic materials. If replacement with original materials is not technically or economically feasible, a substitute material may be used if it duplicates the color, texture, and visual appearance of the original.	NA	
ST5	Maintain brick, stone, or poured concrete steps wherever present. If replacement is required, original materials should be used. New construction should incorporate steps on blocks where they are a character-defining feature.		
ST6	Do not harm historic resources through road widening or underground utility repair.	NA	
ST7	Locate driveways, parking areas, and loading docks to the side and rear of properties. Access from alleys is preferred.	NA	
ST8	Maintain original front yard topography, including grades, slopes, elevations, and earthen berms where present. New construction should match the grade of adjacent properties. Do not recontour front-yard berms into stepped terraces, using railroad ties, landscape timbers, or any other historically-inappropriate material for retaining walls.	+/-	The limestone is a historically appropriate material
ST9	Do not carry out excavations or regrading within or adjacent to a historic building, which could cause the foundation to shift or destroy significant archeological resources.	NA	
ST10	Do not install masonry walls in street-visible locations unless they are used to retain earth at changes in grade, screen service areas, or unless a historic precedent exists.	+/-	Not a large grade change, no historic precedent. Rear retaining wall approved in 2009
ST11	Use materials that match existing sections of historic fencing in material, height, and detail when carrying out limited replacement projects. If an exact match cannot be made, a simplified design is appropriate.	NA	
ST12	Use materials that match the existing character of the original when replacing retaining walls or curbing. If an exact match cannot be made, a simplified design is appropriate.	NA	
ST13	Install only historically-compatible iron fencing under 2'-5" in height where there is demonstrable historic precedent.	NA	
ST14	Do not install front-yard fencing where there is no historic precedent.	NA	
ST15	Install any rear- or side-yard privacy fencing so that it is set back from the side wall at least two feet and presents the finished side out. Any privacy fencing should be less than seven feet in height. Contact the Department of Inspections, Permits, and Licenses regarding additional restrictions on fencing at corner properties.	NA	
ST16	Do not install chain-link, split-rail, or woven-wood fencing, or concrete block walls in areas that are visible from a public way. Opaque fencing, such as painted or stained pressure-treated wood, may be permitted with appropriate design.	NA	
ST17	Use understated fixtures when installing any type of exterior lighting. Fixture attachment should be done so as not to damage historic fabric. Fixtures should not become a visual focal point.	NA	
ST18	Do not light parking areas or architectural features in a harsh manner. Generally, an average illumination level of 1.5 to 2.0 foot-candles will be sufficient. Light should be directed down and away from neighboring properties.	NA	
ST19	Parking lots of a certain size should have a portion of the parking area dedicated to plantings that will soften the expanse of paving. See the Jefferson County Development Code - Requirements for Landscaping and Land Use Buffers for specific requirements.	NA	

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