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## **Bardstown Road/Baxter Avenue Corridor Review Overlay (BROD) District**

Report of the Urban Design Administrator to the  
Committee

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**From:** Joseph Haberman, AICP, Planning & Design Manager  
**Through:** David Marchal, AIA, Deputy Director / Urban Design Administrator  
**Date:** November 30, 2021  
**Meeting Date:** December 7, 2021

### **CASE INFORMATION:**

**Case No:** 21-OVERLAY-0037  
**Classification:** Non-Expedited

### **GENERAL INFORMATION:**

**Property Address:** 1703 Bardstown Rd (Zwanky V, formerly Slay Boutique)  
**Applicant:** Ahmad Fadhil  
8703 Chelmer Lane  
Louisville, KY 40220  
**Property Owner:** Ahmad Fadhil  
8703 Chelmer Lane  
Louisville, KY 40220  
**Project Cost:** \$25,000 (estimated)

### **DESCRIPTION OF PROPOSED DEVELOPMENT:**

The applicant is requesting an Overlay Permit to redevelop the subject property by renovating the existing building. The scope of work includes the following:

- The replacement of existing front dormers with a larger front dormer addition and
- Completion of associated building improvements.

The subject property consists of a single parcel, approximately 0.118 acres in size. It is bordered by Bardstown Rd to the southwest, private property to the northwest, an alley to the northeast, and private property to the southeast. It is zoned C-2 (Commercial) and within a Traditional Marketplace Corridor (TMC) form district.

There is an existing building on the property that is used for retail, office, and a short term rental. According to the Jefferson County PVA, it was constructed in 1910; however, it has been subsequently enlarged with a series of additions. The original structure is currently situated in the center. Two front additions were constructed between the original structure and Bardstown Road. Another rear addition was constructed between the original structure and the alley.

The property owner commenced work without an Overlay Permit. The existing dormers have been removed and the new dormer addition has been constructed. While larger, the new dormer addition is situated in the same location as the demolished dormers, atop the front portion of the original structure. A notice of violation was issued on August 9, 2021 for unpermitted work and the property owner was directed to pause until overlay and building permits were issued. Consequently, the property owner submitted an Overlay Permit application and the new dormer addition was not complete as of the date of this report.

#### **COMPLETION OF APPLICATION:**

The applicant submitted an Overlay Permit application on August 13, 2021 (21-OVERLAY-0022). The application was classified as requiring a non-expedited review by the Urban Design Administrator on August 16, 2021. The Committee reviewed the application on September 21, 2021 and October 26, 2021. It was denied for not meeting Guidelines B and C for Historic Preservation.

Following the denial, the applicant submitted a revised Overlay Permit application on November 8, 2021 (21-OVERLAY-0037). The revised application includes additional details and attempts to address concerns specified by the Committee during the initial review. The application was subsequently determined to be substantially complete and classified as requiring a non-expedited review by the Urban Design Administrator on November 15, 2021.

#### **FINDINGS:**

The following Principles and Design Guidelines are applicable to the proposal: 4- Building and 7- Historic Preservation. The findings of fact and conclusions with respect to the Principles and Design Guidelines are attached to this report.



## Site Context



Subject Property (LOJIC, Aerial 2019)



Subject Property (Google)



### *Existing Conditions:*

The parcel is developed with the building and surface parking.

The original building was constructed in the early 1900's with a series of later additions. The original structure, having 2-stories and a residential design, is situated in the center. Three additions were subsequently constructed, most likely in the 1970's. The additions immediately adjacent to the front and rear of the original structure are 1-story concrete block additions with flat roofs. The third addition, which serves as the current front of the building, is a 1-story brick addition with a flat roof. While the original structure remains visible due its greater height, the integrity of its design is compromised by the later additions. Many original design features and architectural elements are hidden from view or have been removed. The building is now eclectic in nature with contrasting architectural styles. Its current overall form resembles the camelback style.

The building is effectively built to the front property line with the building partially inset to accommodate the angle of the property line. The front of the building is commercial in nature with a design reminiscent of many other 1970's storefront additions along the corridor. Due to their setback locations and a large tree on the adjacent parcel to the northwest, the original building and the subject dormer addition are not easily seen from several vantages along the Bardstown Road corridor. However, the new dormer addition can be clearly seen from the front directly across the street and from the southwest.

In the side yards, there is an area of grass between the building and property line to the northwest and a walkway between the building and property line to the southeast. The building is built relatively close to neighboring buildings on each side.

The rear of the building is nondescript with little variation. The second story of the original building extends above the 1-story concrete block addition. On the original building, 2 windows face the rear with the gable roof of the rear portion sloping towards the alley. The new dormer addition is not visible from the rear as it extends from the front of the original building.

The rear asphalt parking area occupies approximately half of the parcel. It does not have any marked parking spaces and is accessible only via the alley (which connects Bonnycastle and Murray Aves). There are remnants of a foundation denoting a past structure or building addition. Extending from the building, a solid concrete block wall is situated along the northwestern line of the foundation.

While not complete, the new dormer addition has been constructed and is an existing condition. The framing has been completed and the roof deck, fascia, 2 windows on the northwestern side façade, and a window on the southeastern side facade have been installed. However, final exterior materials (including shingles and siding) and planned additional windows/doors on the front facade have not been installed. It is situated in the same general location as the demolished dormers, atop the front part of the original structure.

Details concerning the original dormers were not provided. In comparing photos, the new dormer addition is not like for like in terms of design, scale, or massing. The new dormer addition does not have the same footprint of the original dormers. The original dormers had a unique and varied roof form, consisting of a roof design that is somewhat of a double gable roof with distinct front and rear portions. The front portion had a traditional gable roof and a single double hung window in the sidewall fronting Bardstown Rd. The rear portion was setback

several feet from the front portion and had a sloping shingled roof instead of a sidewall (resembling a hip roof). Photos of the original and new dormers are provided later in this report.

To accommodate a mixture of uses and purposes, buildings in the immediate area vary in terms of age, architectural style, height, and mass. Most buildings are 1 to 2-stories in height; however, there are some slightly taller buildings in the area. The subject property is surrounded by a 1 ½-story building to the southeast that is also residential in style with a later brick storefront addition (Highlands Tax & Accounting); a 2-story building to the northwest with a residential style; and three 1 to 2-story commercial buildings across Bardstown Road to the southwest (Wild Ginger, Super Chefs, and Pho Café/Sapporo Japanese Grill & Sushi).



**1703 Bardstown, Existing Conditions, from Bardstown Rd**  
Staff, August 24, 2021



**1703 Bardstown, Previous Conditions, from Bardstown Rd**  
Google, May 2019





**1703 Bardstown, from Bardstown Rd**  
August 24, 2021



**1703 Bardstown, Previous Conditions, from Bardstown Rd**  
Google, May 2019

## Conclusions

The new dormer addition is situated in the same general location as the demolished dormers, atop the front portion of the original structure.

While adaptive reuse of existing structures is generally encouraged, according to the applicant, the original dormers were not adequately designed for an office use. The new dormer addition has a simpler rectangular footprint than the previous design and provides higher ceiling height. In addition, it features more openings to allow for more light.

The revised application includes renderings, floor plans, and elevations of the final design to show how it will look when completed. The site plan shows the dormer addition as having a 502 sq. ft. footprint (not including eaves) – 15'-10 ½" in width (front) and 31'-7 ½" in length (sides). A front elevation indicates a total height of 29'-7".

There are three side windows in existence on the new dormer addition: two on the northwest façade and one on the southeast façade. All windows are vinyl double hung windows with no muntins, each 36" in width and 48" in height. No additional windows or openings are proposed on the side facades. The application and associated plans imply that existing windows on the original portion of the building will also be replaced with matching vinyl double hung windows. However, the plans do not note windows as existing or proposed. Replacement windows should match historic examples where possible. Window product details were provided in the application.

Currently, there are not any openings on the front of the new dormer addition. The floor plan and elevation show two sets of double doors, each 60" in width and 80" in height. Door product details regarding the brand and style of the doors were not provided. While glass sliding doors with no grids were proposed in the initial application, the floor plan and elevation show French patio doors that open inwards and have internal grids.

The revised application also includes use of the flat roof in front of the new dormer addition as a balcony/roof deck. The initial application did not include use of this area and proposed a railing immediately adjacent to and across the entire front façade (effectively establishing Juliet balconies). To accommodate the new outdoor balcony/roof deck, which is 10'-4" in depth and approximately 22' in width, new metal railings are proposed to enclose the space. The metal railings are 60" in height, black in color, and have a basic design.

The dormer addition and other parts of the building currently with siding will be encased in 7.25" to 8" horizontal fiber cement lap siding (the initial application showed 4" horizontal vinyl lap siding). The siding is grey in color and trim is white. The original dormer had a horizontal (presumably asbestos) lap siding with a wider profile and featuring a wavy bottom edge. This siding currently remains on several other portions of the building.

The dormer addition has a gable roof, that extends from the original building. The proposed roofing material of the dormer is 3 dimensional asphalt shingles that are charcoal in color. The property owner intends to use this roofing material on other areas of the building, including the gable roof on the original structure. As a note, while the application was being reviewed, the applicant requested permission to move forward with re-roofing the building. Staff permitted the re-roofing of the existing building with an in kind material (excluding the dormer addition) as an "Ordinary Repair" without an overlay permit.

The building appears on the Highlands Historic District National Register map as partially contributing (original) and partially not contributing (front addition).



While the proposal involves a replacement dormer, as previously noted, the dormers are not like for like in terms of design, scale, or massing. The new dormer addition is rectangular in form and does not share the same footprint. While the original dormers provided a unique and varied roof form, the new dormer addition has a simpler single gable roof with a slightly lesser pitch. In addition, the new dormer addition has a greater height, is located closer to the front of the property, and includes more openings, including three windows on the sides (previously none) and two double doors on the front (previously a solitary window).

The final design for the new dormer addition would further the building's eclectic design rather than mimic any previous architectural style. The design of the dormer is relatively simple and traditional in nature. The materials and architectural details of the new dormer are contemporary.

In relation to the Building Guidelines, the overall design is appropriate for the corridor. The building maintains character in its form with its varying shape, height, and roof lines. Its height remains relatively the same with the additional massing to the front giving the building on slightly more of a presence from the adjacent sidewalk. While the original dormers were historic and interesting, they were not readily visible from many vantage points along the corridor and the integrity of the historic building was significantly compromised by the commercial additions to the front. In terms of character, the design shifts the building from appearing similar to the 1-story building on the neighboring lot to the south (right) to a fuller building that is in character with other buildings on the corridor including the 2-story building on the neighboring lot to the north (left). The new dormer addition does not overwhelm the building – particularly the front of the building and its direct relationship with the corridor and pedestrian.

To reduce its scale and monotony, the new dormer addition incorporates windows and doors. The double hung windows on the sides appear to be appropriate and are consistent other windows on the original building. French patio doors opening to a functional balcony are consistent with other doors facing Bardstown Road in this area. In the event the roof space cannot be utilized, the design may be better served with the provision of windows along the front as opposed to doors. This would be more consistent with the second stories of other buildings fronting the corridor and remove the requirement of the railing.

The building is character contributing as an early residential building that has been modified over the years with the additions. The front commercial storefront additions do not contribute to this original residential character and resulted in the original dormers having an additive and jumbled appearance. Without the partial inset/varied form of the original dormers and with its larger size, the new dormer addition has a greater presence and is more visible and prominent from the corridor. The new dormer addition's design, with the new railing and balcony, brings some organization back to the overall building and has a more unifying effect.

## **RECOMMENDATION**

The proposed changes generally comply with the applicable Design Guidelines for the BROD District.

Considering the information furnished, the Urban Design Administrator recommends **approval** of the application for an Overlay Permit with the following conditions:

1. The final design of the openings (doors and/or windows) on the front façade off the dormer additional shall be approved by the Urban Design Administrator prior to installation.
2. The applicant shall install a roofing material on the dormer addition that is in kind to that used on other sloped roofs of the building.
3. Signage and public art not detailed in the application shall be reviewed separately and, if deemed necessary by the Urban Design Administrator, require an additional Overlay Permit.



## 4 Building

Existing structures along the Bardstown Road/Baxter Avenue Corridor are encouraged to be renovated and reused. The Overlay Staff can assist a licensed architect or design professional to develop designs that adaptively reuse these structures to meet the needs of new businesses and services. The Overlay Staff will also assist the applicant through the review and approval process.

+ Meets Guidelines

NA Not applicable

- Does not meet Guidelines

TBD To be determined; insufficient Information

+/- Meets Guidelines with conditions as noted

Guideline	Finding	Comment
<b>A</b> Existing structures along the Corridor are encouraged to be renovated and reused. The Overlay Staff can assist a licensed architect or design professional to develop designs that adaptively reuse these structures to meet the needs of new businesses and services. The Overlay Staff will also assist the applicant through the review and approval process.	+	This application involves adaptive reuse of an existing structure. The plans were prepared by EC Design & Architecture.
<b>B</b> Buildings should be "pedestrian- friendly". Design building facade elements that promote a pedestrian-friendly environment include building to the edge of sidewalk, large storefront window openings at the ground floor, awnings, canopies, and lighting.	+	The existing building is built to the street with off-street parking located in the rear of the lot. There is currently a pedestrian-oriented storefront. The ground level would not be significantly affected by this proposal.
<b>C</b> All storefront windows and doors at ground level shall have clear glass or light window tinting. Severe window tinting or mirrored glass is not permitted unless pre-approved by staff for "special conditions". Examples of "special conditions" may include restaurant kitchen areas, storage space, and restrooms that would need to be hidden from public view.	+	There is currently a storefront at the ground level and it would not be affected by this proposal.
<b>D</b> New structures should be located at the front property line. Building sites should provide side yards wide enough to allow for maintenance of the building unless common party walls are provided on the lot line.	+	While the new dormer addition is not located at the front property line, for the most part, the existing structure is located along the front property line (with some insets to accommodate its angle).
<b>E</b> High quality materials and historically appropriate architectural details at the ground floor/street level of buildings can both accent buildings, and provide visual interest for pedestrians and motorists.	+	Most of the scope of work is located on the second story and not the ground floor/street level. New siding would be fiber cement, an acceptable material.
<b>F</b> New structures greater than three stories high may be permissible if taller portions are set back from the street frontage so that overall sight lines are compatible, and if the increased height is not intrusive towards adjacent structures.	NA	
<b>G</b> A visual terminus, such as a cornice at the top of a wall helps articulate the architecture, and gives it a completed finished look.	+	The gable roof extends from the dormer's facades providing eaves along its three sides.
<b>H</b> Roof forms that are inconsistent with the character of the Corridor include single pitch (shed) roofs, curving roofs. Flat roof forms with parapets are well-suited to the character and image of the Corridor.	+	The building has various roof forms. The dormer addition has a gable roof; however, it is located behind a front addition with a flat roof and modest parapet. An intermediate addition between the dormer and front addition features a higher flat roof and additional concrete parapet.
<b>I</b> Outdoor eating or temporary seating located within public sidewalk areas must receive staff approval prior to installation. A 4' wide pedestrian zone is required in the public "right-of-way" sidewalk area.	NA	
<b>J</b> All new mechanical equipment that is visible from a public right-of-way should be installed to have a minimal impact on adjacent properties and from public view. Replacement of existing mechanical equipment is considered general maintenance and will not require a staff review. Additional permits and approvals by other government agencies or authorities may be required.	+	New mechanical equipment is not noted in the application. An existing window AC unit is visible from the corridor (located in the intermediate addition). Additional existing mechanical equipment on the rear addition is visible from the alley.

<b>K</b>	Permanent service counters, service bars, decks, or similar structures may not be constructed in front of a building's primary street facing façade.	<b>+</b>	While the new balcony/roof deck would be located in front of the new dormer addition, it would not extend in front of the building's current front façade. It is located atop the existing 1-story storefront addition (with a setback) and would not diminish the storefront's visibility.
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## 7 Historic Preservation

Historic buildings (65 years of age or older) help to anchor the BROD to our community's history. Buildings can serve as reminders to future generations how Louisville's citizens lived and worked in the past while serving business and residential requirements today through adaptive reuse. These buildings can serve as future adaptive reuse opportunities. Contributing historical structures are structures that have unique designs, are constructed with unusual materials, or served the public in a manner that was important to the local area. Such structures also add character to the pattern of established development in the Corridor. Given the significant role of historic structures in the Corridor, demolition of any structure will entail stringent review.

+	Meets Guidelines	NA	Not applicable
-	Does not meet Guidelines	TBD	To be determined; insufficient Information
+/-	Meets Guidelines with conditions as noted		

Guideline		Finding	Comment
<b>A</b>	Changes to the exterior of contributing historical structures and other structures within the Corridor which were constructed in the last 65 years and that have not been significantly altered shall be reviewed in accordance with the standards established for contributing historic structures by the U.S. Secretary of the Interior, but the Planning and Design Director or Committee may relax these standards in the interest of accomplishing the intentions of the guidelines	<b>+</b>	The original building is a contributing historical structure and it appears that an original dormer was part of that contributing building. However, the building has been substantially altered.
<b>B</b>	The design of new or substantially remodeled structures which are adjacent to contributing historic structures should be compatible with them and should incorporate similar design details or references where appropriate.	<b>+</b>	The dormer addition's form is compatible with the historic portion of the building and other nearby historic structures in terms of height and mass. While larger than the previous dormer, it is not fully out of scale with the original building and helps re-establish the original building's character which is hidden in part by later additions. However, form aside, its architectural details are critical. It is important that the front façade has appropriate doors and associated trim work. When reviewing the initial application, staff provided a finding of +/- . With the improved materials and additional clarity regarding the final design provided in this application, staff upgraded the finding.
<b>C</b>	No application to demolish any contributing historical structure or structure built within the last 65 years shall be approved by the Urban Design Administrator unless the applicant demonstrates to the satisfaction of Urban Design Administrator and the Historic Preservation Officer: 1) That the rehabilitation of a structure or construction of a new structure will have a greater positive impact on the District's economic vitality and appearance than would preservation of the structure proposed to be demolished and the rehabilitation of the structure or the construction of the new structure would not be possible or economically feasible without the demolition of the structure proposed to be demolished; or 2) That the applicant cannot obtain a reasonable economic return from the property or structure unless the contributing historical structure or structure constructed within the fast 65 years is demolished in accordance with the application.	<b>-</b>	The original dormers were demolished without permits. The property is subject to an enforcement case and the owner may face penalties.