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## Historic Landmarks and Preservation Districts Commission

### Report of the Committee

# DENIAL

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To: Scott Huff, Eldridge Company  
Thru: Clifton Architectural Review Committee  
From: Bradley Fister, Planning & Design Coordinator  
Date: August 3, 2022

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**Case No:** 22-COA-0149  
**Classification:** Committee Review

#### GENERAL INFORMATION

**Property Address:** 1728 Payne St.

**Applicant:** Scott Huff  
Eldridge Company  
931 E. Main St.  
Louisville, KY 40206  
(502) 656-4971  
[scott@eldridgecompany.com](mailto:scott@eldridgecompany.com)

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

**Estimated Project Cost:** \$ 400,000.00

#### Description of proposed exterior alteration:

The applicant proposes the construction of two 2-story apartment buildings, each consisting of four units and being approximately 26' in width by 93'-10.5" in depth. The buildings are 30'-10" in height in the rear and 28'-4" in height in the front to allow for grade changes. The buildings will have a staggered placement on the site to allow for a continuous 15' setback, similar to the neighboring historic properties. The buildings are mirror images of one another with front facing doors onto private patios emulating the same front door, front porch relationship historically seen on the street. The exterior of each building is proposed to be clad with masonry, that

will be painted differing colors to distinguish the buildings from one another. Front facing gable roofs with expansive windows, along with the use of smooth vertical fiber cement siding and cedar tongue-and-groove siding as accents, give the buildings a contemporary design that speaks to the historic setting. The primary entrances to the units are located along the central corridor created between the two buildings, that leads from Payne St., between the two buildings, and on to the alley at the rear of the property. There will be windows located on all facades to further break up the massing. The existing one-story CMU building is to remain and continue to function as a rental unit.

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

The application was received on June 23, 2022 and considered complete and requiring committee level review on June 27, 2022. Staff met with the applicant several times prior to the application being submitted.

The Clifton ARC met on August 3, 2022 at 5:30 pm in room 101 of the Metro Development Building at 444 S. 5<sup>th</sup> St. Committee members in attendance were Committee Chair Edie Nixon, Phil Samuel, Pam Vetter, and Tamika Jackson. Priscilla Bowman, and Brad Fister, Landmarks Staff; and Christopher Eldridge, Matt Eldridge, and Scott Huff, Eldridge Company (931 E. Main St.), were also present.

After Chair Nixon called the meeting to order, Mr. Fister presented the staff report, which recommended approval of the project with seven conditions of approval as listed in the staff report. Mr. Eldridge, representing the applicant, spoke to the proposed design and how it is a modern design that incorporates nods to the surrounding historic buildings and its contextual placement. There was discussion concerning the changes from the design previously presented to the committee and how those changes address feedback from staff and the committee. Mr. Eldridge explained how the proposed design incorporates the existing historic building, found by staff to be contributing to the district, as a rental unit. The previous design proposed its demolition. He also explained that the new proposal decreases the size of the total footprint by 33% by breaking the previously proposed single building into two separate buildings and lowering the height a full story.

Ms. Nixon opened the hearing for committee questions for the applicant and staff. The committee asked questions that were pertinent to the case, including the probable age of the existing building, its location, and if the proposed design meets the applicable design guidelines.

Ms. Nixon then opened the meeting to public comment. Mr. Fister sent 3 written public comments to the Committee prior to the meeting for their review. Those in attendance were neighbors, some of whom lived on either side of the proposed project and spoke in opposition to the project. The discussion primarily revolved around parking, traffic, trash containers, the height of the proposed buildings in relation to adjacent structures, the distance of the new construction from the existing structures, the proposed design, and if the existing structure was considered primary or auxiliary. Staff explained that per both LDC and the Clifton Design Guidelines, the existing structure would be considered an auxiliary/accessory structure because of its location on the lot.

Once all attendees spoke, Ms. Nixon closed the public comment. The Committee asked further questions of the applicant and staff regarding to proposed project. There was discussion about the proposed materials, the massing and scale, as well as there being two buildings instead of one. The committee asked the applicant if they would like to have a vote of if they would like to have the case deferred so they can rework the proposed design and come back to the committee again. The applicant asked for a decision to be made by the committee.

Ms. Nixon asked if there was a motion. Ms. Vetter first made a motion that the committee finds in this particular instance, the existing structure / house located at 1728 Payne St. be considered an auxiliary structure on the lot. Ms. Jackson seconded the motion. The committee voted and the motion passed 4-0 in favor of considering the structure an auxiliary structure.

Ms. Nixon then asked if there was a motion regarding the proposed new construction. Ms. Vetter made a motion to deny the proposed new construction as it does not meet **NCR-3, NCR-4, NCR-7, NCR-10, NCR-12, and NCR-18**. Mr. Samuel seconded the motion. The motion passed 3 yes (Nixon, Vetter, Samuel) to 1 no (Jackson).

## **FINDINGS**

### **Guidelines**

The following design review guidelines, approved for the Clifton Preservation District, are applicable to the proposed exterior alteration: **New Construction - Residential 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 site is located on the southeast side of Payne St., four lots west of the intersection with Stoll Ave. The property is zoned R5 and within the Traditional Neighborhood Form District. There is one building currently on the site, which is an approximately 600 sq. ft., one-story, painted cement block dwelling, with a hipped roof clad with asphalt shingles. The building was 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 building 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, and father of two. He lived there alone until circa 1960. 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.

The property owner previously brought the case before the Clifton ARC on February 24, 2021 under case number **21-COA-0005**. The committee continued the case to allow the applicant time to explore preserving and incorporating the existing building into the design, rather than to demolishing it.

**DECISION 1 – Primary or Auxiliary Structure.**

On the basis of the information furnished by staff, the Clifton Architectural Review Committee finds unanimously that the building located on the lot at 1728 Payne St. is an auxiliary structure based on both the LDC definition of a primary structure, and the applicable Clifton Design Guidelines.

**DECISION 2 – Proposed Design for New Construction**

On the basis of the information furnished by the applicant and staff, the Clifton Architectural Review Committee **denies** the application for a Certificate of Appropriateness to construct two apartment buildings.

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Edie Nixon  
Chair of Clifton ARC

08-03-2022  
Date