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## Historic Landmarks and Preservation Districts Commission

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# Report to the Committee

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To: Old Louisville Architectural Review Committee  
Thru: Savannah Darr, Historic Preservation Officer  
From: Bradley Fister, Planning & Design Coordinator  
Date: May 1, 2023 *S.D.*

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**Case No:** 20-COA-0245  
**Classification:** Committee Review

### GENERAL INFORMATION

**Property Address:** 1254 S. Brook Street

**Applicant:** Ami Seligman  
1254 S. Brook Street  
Louisville, KY 40203  
502-819-4785  
amiseligman@gmail.com

**Owner:** Same as applicant

**Estimated Project Cost:** TBD

#### Description of proposed exterior alteration:

The applicant seeks after-the-fact approval for a wooden privacy fence, that exceeds 7' in height along the side and rear alley of the property. The fencing situated along the side alley is approximately 8' 6" in height and is sitting on soil approximately 6" above the paved alley. This soil is retained by a plywood curbing. The fencing along the rear alley is approximately 7'-6" in height.

#### Communications with Applicant, Completion of Application

This COA application (20-COA-0245) was received on November 3, 2020, and was originally for changes to a rear deck, construction of a rear second story covered porch, and rear yard fencing. The application was considered to be incomplete, and staff reached out to the applicant for required documentation. The applicant responded on January 9, 2023, after a zoning enforcement citation was issued to the property owner on November 01, 2022 (ENF-ZON-22-001339) for work completed without an approved COA. Staff conducted a site visit on January 13, 2023 with the applicant. Staff recommended the application be divided into two separate applications. This COA application is now only for after-the-fact fencing replacement that exceeds the 7' height restriction. The remainder of the after-the-fact work was approved by staff in (23-COA-0060).

The Old Louisville ARC is scheduled to hear the case on Wednesday May 24, 2023 at 4:30PM in room 101 of the Metro Development Building, located at 444 S. 5<sup>th</sup> St.

## **FINDINGS**

### **Guidelines**

The following design review guidelines, approved for the Old Louisville Preservation District, are applicable to the proposed exterior alterations: **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 property is located at the west side of S. Brook Street on the northwest corner of S. Brook Street and an unnamed alley north of E. Ormsby Ave. This site is zoned TNZD within a Traditional Neighborhood Form District. The site contains a circa 1880, two-and-one-half-story, masonry residential structure with Richardsonian Romanesque style rusticated limestone details and is surrounded by other two- to three-story houses of varying architectural styles from the Victorian era.

Previous COAs:

**2023**—staff approved a COA (**23-COA-0060**) for the after-the-fact changes to a rear deck, and construction of a rear second story covered porch.

**2017**—the Old Louisville ARC approved a COA (**17COA1232**) for after-the-fact installation of a 48" tall fence with the condition that the fence be lowered to match the fence height at 1249 S. Brook Street.

**2015**—staff approved a COA (**15COA1131**) allowing the installation of French doors and a Juliet balcony on the second floor of the rear addition.

**2006**—the south side of the house underwent extensive repair due to structural damage, which was general maintenance and exempt from the COA process.

### **Conclusions**

The proposed after-the-fact fencing along the side and rear alley generally does not meet the applicable Old Louisville design guidelines for **Site**. The previous fencing along the side alley was approximately 7' in height, while the new fencing along the side alley is approximately 8' 6" in height and is sitting on soil approximately 6" above the paved alley. This soil is retained by a plywood curbing. The fencing along the rear alley previously appeared to be approximately 7' in height and is now approximately 7'-6" in height. The height exceeds the 7' max height as stated in **ST15**. Fencing that is taller than 7' in height creates a high wall that is too tall for the Old Louisville, residential alley context.

## RECOMMENDATION

On the basis of the information furnished by the applicant, staff recommends the after-the-fact application for a Certificate of Appropriateness be **denied**.

However, should the applicant agree to making alterations, staff recommends the after-the-fact application for a Certificate of Appropriateness be **approved** with the following conditions:

1. **Within three months of approval, the applicant shall lower the height of the after-the-fact wooden privacy fence along the side and rear alley to be 7' in height or less.**
2. **All wood shall be opaque stained or painted within three months of the completion of the height alteration.**
3. **If the design or materials change, the applicant shall contact staff for review and approval.**

Bradley Fister  
Bradley Fister  
Planning & Design Coordinator

05-01-2023  
Date

## 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.	-	The after-the-fact fencing is too tall for the context creating a high wall along the residential alley context.
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	

<b>ST5</b>	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.	NA	
<b>ST6</b>	Do not harm historic resources through road widening or underground utility repair.	NA	
<b>ST7</b>	Locate driveways, parking areas, and loading docks to the side and rear of properties. Access from alleys is preferred.	NA	
<b>ST8</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 recontour front-yard berms into stepped terraces, using railroad ties, landscape timbers, or any other historically-inappropriate material for retaining walls.	NA	
<b>ST9</b>	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	
<b>ST10</b>	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.	NA	
<b>ST11</b>	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	
<b>ST12</b>	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	
<b>ST13</b>	Install only historically-compatible iron fencing under 2'-5" in height where there is demonstrable historic precedent.	NA	
<b>ST14</b>	Do not install front-yard fencing where there is no historic precedent.	NA	
<b>ST15</b>	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.	-	The after-the-fact fencing does set back farther than the 2' minimum, however it exceeds the 7' height, as it is approximately 8'-6" along the side and approximately 7'-6" along the rear.
<b>ST16</b>	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.	+/-	Opaque wood fencing was installed. Not all of it has been painted or stained.
<b>ST17</b>	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	
<b>ST18</b>	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	
<b>ST19</b>	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	

<b>ST20</b>	Use high-pressure sodium or metal halide lights to create a soft illumination where site or streetscape lighting is desired.	NA	
<b>ST21</b>	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	
<b>ST22</b>	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	
<b>ST23</b>	Ensure that all proposed cellular towers and associated fixtures will be properly screened from view.	NA	
<b>ST24</b>	Install utility lines underground whenever possible.	NA	