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**NuLu**  
**Review Overlay District**  
Report of the Urban Design  
Administrator to the Committee

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**Case No:** 16COA1163  
**Classification:** Non-Expedited

**GENERAL INFORMATION**

**Property Address:** 827 East Market Street  
Louisville KY 40204

**Applicant:** Monica Brown  
Reyes Brown PLLC  
6713 Gunpowder Lane  
Prospect, KY 40059  
502-572-7703  
mbrown@reyesbrown.com

**Owner:** NULU River Partners, LLC  
Thomas Mueller  
462 S. 4<sup>th</sup> Street Suite 200  
Louisville, KY 40202  
502-371-4100  
Thomas.mueller@riverdam.com

**Estimated Cost:** \$ 85,000 +/-

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The applicant requests approval to replace the existing front façade and associated structure with a new facade. The project area, including the façade and front yard, is approximately 26' wide with a depth of 8'-9" from the building façade to the property line. The plane of the new facade will match that of the existing but will have new materials and window and door configuration, and a 2<sup>nd</sup> floor balcony projecting into the front yard supported on 4 columns.

The applicant states that the reason for this request began with a desire to modify the existing façade to better accommodate new uses as office,

commercial and retail with office or residential above. However, upon further investigation it was determined that the existing front façade has structural settlement issues that need significant repair, but to also make modifications for larger openings in the existing wall is problematic and expensive to the point a new façade is a more viable solution. The new design strives to create a façade that is compliant with the guidelines and references historical and typological cues from surrounding buildings.

The new facade is to be composed primarily of fiber cement board and trim (Hardie Board) with a new aluminum clad wood framed front door with side lite and new windows and transoms. The ground floor of the facade will have a limestone veneer wainscot and limestone sill at windows. The existing stone steps to the main entry are to be salvaged and reused. The existing roof and trim will be repaired and will be incorporated into the new facade. The balcony will be trimmed with fiber cement board, and a steel cable railing.

The front yard area is proposed to be replaced with a concrete patio conducive to outdoor seating for future, potential tenants.

The existing exterior side stairwell, metal gate, concrete paving, concrete curb, and fence are proposed to be removed and a new side yard metal gate with access to a new ADA entry with ramp on east side of building is proposed.

#### **COMMUNICATIONS WITH APPLICANT; COMPLETE APPLICATION**

The application was received on July 22, 2016. Overlay Staff met with the applicant on August 1, 2016 to discuss Nulu Overlay guidelines and Overlay review process. The applicant submitted new drawings to staff on August 4, 2016. The application was determined to be complete and classified as requiring Committee Review on August 1, 2016. The proposed project is scheduled for a hearing at a meeting of the NuLu Overlay Review Committee for noon on August 24, 2016 in the Old Jail Auditorium located at 514 West Liberty Street.

#### **Site Context**

The existing structure is located on the north side of East Market Street, in between S. Campbell and S. Shelby Streets, with Billy Goat Strut alley at the rear of the property. 827 East Market Street is zoned EZ1 and is within the Traditional Marketplace Corridor form district.

The two story masonry building was built c. 1890. 827 East Market Street is unlike its neighboring commercial style structures due to its residential scale and style. The structure has had various additions constructed at the rear to accommodate commercial uses within, and the interior variously modified as well. The structure is set back from the front property line approximately 8'-9",

creating a front yard. Neighboring structures are more commercial in development, scale and massing and are built up to the property line with no front yard setbacks.

This block of East Market Street has a series of two and three story masonry buildings with traditional commercial storefront systems. To the south across East Market Street are industrial warehouses and commercial structures in a variety of style and massing.

The structure is certainly of age to be considered a Contributing Historical Structure but has been significantly modified over time. As a residential type structure it does have value as a unique building type in the context. It therefore does contribute to the character of the district so modifications should be carefully considered with respect to the guidelines of the Overlay.

## **FINDINGS**

### **Guidelines**

The following Principles and Design guidelines are applicable to the proposed exterior alteration: **Principle 4: Building**, and **Principle 7: Historic Preservation**.

The report of the Overlay 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:

## **CONCLUSIONS**

The building at 827 East Market has the unique condition of being of a residential scale and style with a front yard setback; differing from its larger commercial neighbors. By extending the balcony and patio to the front property line, the proposed façade elements (developing the building and grounds to the edge of sidewalk, large storefront window openings at the ground floor, awnings, canopies, lighting, and entrances that face the street) will promote a more pedestrian-friendly environment along East Market Street than it has currently. It is also intended to be more amenable to support commercial tenants. The new façade reinforces the existing storefront pattern in the context. High quality materials and historically referencing architectural details at the ground floor and street level of the building provide visual interest for pedestrians and motorists.

In this instance, the front building facade and building structure has deteriorated to the point that extensive repair is required and simple modifications are not feasible until the façade has been rebuilt and reinforced. A structural conditions

report dated August 5, 2016 is included in the submittal documents. The report was prepared by Structural Engineer Kenneth Ott. The report states that the building has 'several structural issues with the front brick façade that prohibits changes to the existing size and locations of window and door openings' and that there is 'significant settlement of the front right corner of the building' as well as significant water damage at wood headers, leading to the sagging of brick. These 'poor conditions of the brick, foundation, and headers above the windows would make modifications to the wall potentially hazardous to a contractor attempting work'.

The project proposes to remove probably the last external, historic vestige of the building. Per the guidelines although changes to the exterior of Contributing Historic Structures and other structures within the Overlay District that were constructed 65 years ago or longer are discouraged, however the Director of the Department of Planning and Design or the NuLu Review Overlay Committee may relax these standards in the interest of accomplishing the intentions of these Guidelines. The applicant has demonstrated to the Urban Design Administrator satisfactorily (per **Principle 7- Historic Preservation Guideline HP3**) *That the rehabilitation of a Structure or construction of a new Structure will have a greater positive impact on the Area'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* is being met.

Having established this, the new work is reviewed for compliance with applicable guidelines and determined to meet the Nulu Review Overlay Guidelines.

### **Recommendation**

Considering the information furnished, the Urban Design Administrator recommends **approval** for the application for an Overlay Permit.

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Date

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Burcum Keeton  
Architectural Projects Coordinator

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Date

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David R. Marchal, AIA  
Urban Design Administrator

# Principle 4 – Building

## Design Guideline Checklist

### Objective

*The buildings in the NuLu Review Overlay District (NROD) are not only picturesque but also have strong historic character. New structures should have a “contextual fit” and reinforce the existing pattern of individual storefronts extending throughout the NuLu area. Contextual design elements include building setbacks, building heights, building form, rhythm of openings, rhythm of horizontal building lines, color, materials, texture, adjacent building styles, and building details should be respected in new projects. 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
- Does Not Meet Guidelines
- +/- Meets Guidelines with Conditions as Noted
- NA Not Applicable
- NSI Not Sufficient Information

	Guideline	Finding	Comment
<b>B1</b>	Existing structures in the NuLu area are strongly encouraged to be sustainably renovated and reused.	+	
<b>B2</b>	Buildings should be “pedestrian-friendly.” Design building façade elements that promote a pedestrian-friendly environment including: building to the edge of sidewalk, large storefront window openings at the ground floor, awnings, canopies, lighting, and entrances that face the street.	+	The proposal actually improves the building’s compliance in this regard
<b>B3</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.	+	
<b>B4</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.	NA	The new façade does not constitute a “new building” for the purpose of this guideline but the 2 <sup>nd</sup> floor balcony does increase the building’s presence at the property line
<b>B5</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.	+	The new design strives to incorporate historically referenced detailing for interest and compatibility
<b>B6</b>	New structures greater than three stories high may be permissible if taller portions are set back from the street	NA	

	frontage so that overall sight lines are compatible, and if the increased height is not intrusive towards adjacent structures.		
<b>B7</b>	New structures must be a minimum of two stories high and should be no shorter than one story beneath the height of adjacent properties.	NA	
<b>B8</b>	A visual terminus, such as a cornice at the top of a wall, is recommended and helps articulate the architecture and gives it a completed finished look.	+	Existing to be re-used
<b>B9</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 unless the equipment is solar dependent. In this instance, function supersedes design. 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.	NA	
<b>B10</b>	Permanent service counters, service bars, decks, or similar structures may not be constructed in front of a building's primary street facing façade.	NA	

# Principle 7 – Historic Preservation

## Design Guideline Checklist

### Objective

*Historic buildings (65 years of age or older) comprise a significant part of NuLu Review Overlay District (NROD) and are physical reminders of Louisville's early history. The historic buildings in the Area are some of the oldest remaining in the city and exhibit characteristics of classic urbanism. Historic structures define the area's origins while providing unique adaptive reuse potential. Structures over 100 years old are sometimes flanked by more contemporary mid-century ones that exhibit similar urban characteristics of scale, massing, and setback, and are thus contributing structures in their own right. Given the important role of many existing buildings to the history and streetscape of the Area, demolition of any contributing structure will entail stringent review.*

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

	Guideline	Finding	Comment
<b>HP1</b>	Changes to the exterior of Contributing Historic Structures and other structures within the Overlay District that were constructed 65 years ago or longer and have not been significantly altered, shall be reviewed in accordance with the standards established for Contributing Historic Structures by the United States Secretary of the Interior. However, the Director of the Department of Planning and Design or the NuLu Review Overlay Committee may relax these standards in the interest of accomplishing the intentions of these Guidelines.	+/-	The building's status as a Contributing Historical Structure is weak due to substantial modifications over time. Structural condition of existing building require repair and make basic modifications very difficult
<b>HP2</b>	The design of new or substantially remodeled structures that are adjacent to Contributing Historic Structures should be compatible with them and should incorporate similar design details or references where appropriate.	+	
<b>HP3</b>	No application to demolish any Contributing Historical Structure or structure built 65 years ago or longer shall be approved by the Urban Design Administrator unless the applicant demonstrates to the satisfaction of Urban Design Administrator and the Historic Preservation Officer:  (a) That the rehabilitation of a Structure or construction of a new Structure will have a greater positive impact on the Area'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	+	While not a full demolition the project does propose to replace a façade structurally and aesthetically. The building has some historic value but has already been heavily modified. The modification proposed will actually improve the structure of the building and improve it's commercial viability.

	<p>without the demolition of the Structure proposed to be demolished; or</p> <p>(b) That the applicant cannot obtain a reasonable economic return from the property or Structure unless the Contributing Historical Structure or Structure constructed 65 years ago or longer is demolished in accordance with the application.</p>		
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