



Historic Landmarks and Preservation Districts Commission

Certificate of Appropriateness Report of the Committee

To: Clifford Ashburner
Thru: Individual Landmarks Architectural Review Committee
From: Savannah Darr, Historic Preservation Specialist
Date: June 30, 2016

Case No: 16COA1111
Classification: Committee Review

GENERAL INFORMATION

Property Address: 1810 Sils Avenue

Applicant: Clifford Ashburner
Dinsmore & Shohl, LLP
101 S. 5th Street
Suite 2500
Louisville, KY 40202
502-540-2382
clifford.ashburner@dinsmore.com

Owner: Gene W. Milner, Jr.
GATO/Milner, LLC
5125 Peachtree Industrial Blvd.
Norcross, GA 30092
770-734-5300
gmilner@milner.com

Architect/Design: Bailey Associates Architects

Estimated Project Cost: \$70,000

Description of proposed exterior alteration:

The applicant seeks approval to remove a portion of the green space at the corner of Wibben and Wrocklage Avenues and add nine new parking spaces. Three young trees will be removed for the new spaces, which will line the rear of the garage structure. Green space will be maintained along Wibben Avenue with new trees and 3' tall evergreen shrubbery. No new lighting is proposed for the area. A new dumpster will also be installed in the green space off the driveway from Wibben Avenue. The dumpster will be screened with an approximately 7' tall brick wall covered in greenery on three sides and decorative double gates on

the front. One tree will be removed in this location. The applicant also seeks approval to remove the modern retaining wall along the western portion of Wibben Avenue and regrade the yard to slope toward the street matching the historic front slope.

Communications with Applicant, Completion of Application

The application was received on May 16, 2016 and considered complete and requiring committee level review on May 23, 2016. Staff conducted a site visit on June 1, 2016 to confirm the information presented in the application. On June 3, 2016, staff contacted architect Mark Bailey about potentially moving the proposed dumpster to a new location on the site. He agreed to bring drawings to the hearing to discuss. The case was scheduled to be heard by the Individual Landmarks Architectural Review Committee (ARC) on June 8, 2016 at 6:30 pm, at 444 South Fifth Street, Conference Room 101.

The Individual Landmarks ARC met on June 8, 2016 at 6:51pm in Conference Room 101 at 444 South 5th Street to discuss the case. Members present were Jay Stottman (Pro tem Chair), Edith Bingham, Daniel Preston, and Herb Shulhafer. Clifford Ashburner, the applicant, and Mark Bailey, the architect, were present for the application. Savannah Darr represented Landmarks staff. Since the Belknap Neighborhood Association asked for a continuance from the ARC prior to the hearing, Mr. Shulhafer made a motion to still hold the hearing that night with the option to continue at the end if no decision could be made. Mr. Preston seconded and it carried with ayes. Ms. Bingham made a motion to appoint Jay Stottman as pro tem chair. Mr. Shulhafer seconded and it carried with ayes. Mr. Stottman abstained. Ms. Darr presented the staff report. Mr. Ashburner presented information on the site, its development history, and the plans for additional parking. He also addressed the fact that the site currently meets Land Development Code (LDC) parking requirements, but the condo owners and potential condo owners would like more off-street parking. Furthermore, the units in the historic building would be rentals for five years before transitioning to owners.

John Salomon, of 3600 National City Tower, was the legal counsel for the Belknap Neighborhood Association. Mr. Salomon had concerns about the project coming before the ARC prior to it going to the Development Review Committee (DRC) for the change in density and binding elements. He stressed the neighborhood's desire for a continuance until after the DRC hearing. Mr. Stottman clarified that those changes to the plan were not in the purview of the ARC and that these cases frequently come before ARC first. Mr. Salomon provided a copy of the first COA (C-05-81-IL), which discussed the original intention of preserving the green space on the site, as well as a copy of a letter from Mr. Ashburner. Joshua White, of 2134 Woodbourne Avenue, spoke against the proposed parking plan. He brought visual aids to show the current state of the tree canopy loss in the neighborhood and that effect on the urban heat island. He urged that more trees be planted on the site to help with that and the storm runoff in the sewer system. Ann Hagar, of 1747 Harvard, spoke against the proposed parking plan. She brought photographs of the site to illustrate suggestions of adding parking spaces on the green space near the boys and girls

entrances to the school. Beth Kuhn, of 1922 Wrocklage Avenue, also spoke against the plan. She believed that the original intention of saving the four corners of green space on the site should be maintained. Jim Clayton, of 1915 Wrocklage Avenue Unit 108, spoke against the plan. He liked the idea of moving the parking closer to the building, which Ms. Hagar suggested. Alane Goldstein, of 1915 Wrocklage Avenue Unit 201, spoke against the plan. She pointed out that the current site plan does not match the actual parking on site and that the developer was supposed to previously plant trees, which has not happened. She also did not like losing the interior landscape area (ILA) for the dumpsters. Michael Driskell, of 1923 Wrocklage Avenue, spoke against the plan. He also had concerns about the noise pollution from the dumpsters and garbage trucks. Mark Jones, of 2427 Boulevard Napoleon, spoke against the plan because he wants to preserve the four corners. He also did not feel that the site needed more parking since there are still unoccupied condos. Ms. Barbara Jones, of 2427 Boulevard Napoleon, also spoke against the plan. As a realtor, she felt that the units needed more storage to sell rather than off-street parking. Ken Bobzien, of 1915 Wrocklage Avenue Unit 107, noted that the condos need more parking on site but he did not like the proposed location. Jennifer Ackerman, of 1823 Woodbourne Avenue, spoke against the proposed plan. She stated that there is frequently open street parking along Sils Avenue even when Lakeside is open. She also commented that renters do not expect off-street parking, so the plan should be tabled until those units go up for sale. The plan should focus more on the green space and helping the tree canopy.

Ms. Bingham asked if the ARC should follow the design guidelines or the language in the original COA, which mentioned preserving the four green corners. Mr. Preston noted that the Belknap School is unique in that the whole site is landmarked so those four corners are an important aspect of that. Mr. Stottman commented that the landscape was supposed to improve with each COA and plan but that has not yet come to fruition. That makes the ARC's decision difficult because there are no assurances from the developer if they look at the 10 years of case history. Mr. Shulhafer and Mr. Stottman both agreed that the new plan for the dumpsters was an improvement. Alan Rubin, of 1714 Dundee Way, asked if it was necessary to have large dumpster areas at all and why they could not be located closer to the rear of the historic building. Mr. Bailey clarified that the area in the rear of the building was now an addition for living space per a previous COA. Mr. Ashburner asked if it was possible to move parking spots near the girls entry door on the north elevation of the historic building. He had previous discussions with Cynthia Johnson, the Historic Preservation Officer, and was told that was not a good idea. Ms. Darr further explained that the sidewalks in front of the boys and girls entrance were the line that should not be crossed because technically historic front yard space. Barbara Mercer, of 1803 Sils Avenue, said that as a neighbor she does not care if there is parking that close to the entrances. The four corners of green space are more important.

Ms. Bingham made a motion to approve staff's recommendations on the dumpster and retaining wall with the added condition that removal of the wall should not affect the trees or historic fabric of the site (see additional condition in

Decision in bold). The motion also denied the parking plan. The applicant should work with staff on alternative parking solutions and should reapply when they have better alternatives. During discussion of the motion, Nick Snyder, of 1846 Fleming Road, made a comment about ensuring the protection of the trees along the retaining wall that will be removed. Mr. Shulhafer seconded the motion. The motioned carried with ayes. Mr. Shulhafer made a motion to adjourn the meeting and Mr. Stottman seconded. The meeting was adjourned at 8:40pm.

FINDINGS

Guidelines

The following design review guidelines, approved for Individual Landmarks, 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

The property is zoned OR3 and is located in a Traditional Neighborhood Form District. The Belknap School was designated an Individual Landmark by the Landmarks Commission in early 2002 and was placed on the National Register of Historic Places by the Keeper on August 12, 1982. According to the Designation Report, the Belknap School is an outstanding example in Louisville of the eclectic style of the early twentieth century. The craftsmanship displayed in the terra cotta ornamentation on the building's exterior make it one of the city's finest examples of Sullivan-esque detailing.

The Belknap School is located in a neighborhood of early twentieth century residences in the Highlands of Eastern Louisville, known also as the Belknap Neighborhood. The school property sits on one city block within this neighborhood. The boundaries of the property are Sils, Wrocklage, Page and Wibben Avenues. The School is a two-story building on a raised basement. The plan is typical of the Neo-Elizabethan style schools of the period, but the decorative elements are both classical and Sullivan-esque.

Background

A previous case (C-05-81-IL) concerning this site was reviewed and approved by the Individual Landmarks ARC in July 6, 2005. A new three-story building which matches the height, scale and general style of the original building and located behind the Belknap School was approved for the site to accommodate a condominium development. The new building's front entrance is oriented toward Wrocklage. The roof of the building is a flat built-up roof, with parapet similar to the historic Belknap School building. The new building features some exterior balconies with minor projections. Additional surface parking areas were added as a part of the project. The minimum amount of parking required is 59 spaces and the actual amount of parking currently on the site is 64 spaces.

A previous case (11783-IL) concerning this site was reviewed and approved by the Individual Landmarks ARC on October 22, 2008. Three one-story garages on the existing surface parking lot; two garages located on the north side of the site facing Wibben; and one garage facing Page Avenue on the south side were approved for the site to accommodate the condominium development (see additional condition in Decision in bold). The garage buildings accommodate 7-bays, 5-bays, or 4-bays. All garages were proposed to be frame constructed and sheathed in 4' fiber cement board panels. The building heights were between 9' and 10' for each garage with gable and shed roofs. Rooflines feature a raised parapet and will be sheathed with asphalt shingles. Five surface parking spaces were also approved. The COA was amended on October 22, 2009 to change the garage roof profile to a gable roof with a 6:12 pitch. The COA also amended the original COA (C-05-81-IL) to construct a second story addition on the former boiler room (bunker) located on the rear (east elevation) of the historic school building. A third floor terrace on top of the addition's roof was also proposed as well as an elevator shaft constructed on the rear (east elevation) of the building in the U-shaped inset of the building.

Conclusions

~~The Belknap School site is a difficult site to develop as it is bound by streets on all four sides and surrounded by residences. The nine new spaces will be located in the rear corner of the site, which was a small area of green space. The historic street frontage along Sils Avenue will not be affected by this change as the parking area is set back at least 150' from Sils Avenue. The other rear corner of the site, located at Wrocklage Avenue and Page Avenue, has a higher elevation with historic and modern retaining wall features. Adding parking at this location would likely change the topography of that area too greatly. Thus, the proposed site is the best location. The perimeter of the parking area will be screened with landscaping. Land Development Code typically requires a masonry wall for screening, but that would not be appropriate on this site. A wedge of green space will be retained next to the parking area near the Wibben Avenue entrance. This remaining wedge creates a continuous line of green space to Sils Avenue. The three trees that will be removed for the parking area were planted as part of a previous site plan and are not large, mature trees. Three new trees will be planted in the remaining wedge of green space. The proposed parking area generally meets the Site guidelines. The proposed parking plan was denied by the Individual Landmarks ARC. The four corners of green space on the site are a character defining feature, thus the alteration of those would not be appropriate.~~

The dumpster location, as it was originally proposed, is not appropriate for this site. Its location is too close to Wibben Avenue and the proposed 7' tall brick screening will disrupt the clean green scape line to Sils Avenue. While the applicant is proposing to cover the brick wall with ivy in an attempt to mask the structure, the vertical massing is too large for that area. Staff recommended to Mark Bailey, the architect, that the dumpster be moved to a 340 sf interior landscape area adjacent to the previously approved but not yet constructed 4-bay garage. The brick dumpster screening will blend better with the brick garage and historic brick school building. Its massing will be small in comparison to the

other structures. Furthermore, by moving the dumpster to this new location, a more mature tree can be preserved. In this new location, the proposed dumpster generally meets the **Site** guidelines.

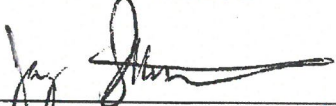
The applicant also seeks approval to remove the modern retaining wall along the western portion of Wibben Avenue and regrade the yard to slope toward the street matching the historic front slope. The restoration of the side yard topography meets the **Site** guidelines.

DECISION

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

- ~~1. The new parking area shall only be as large as necessary to meet LDC parking requirements.~~
- ~~2. The new parking area shall be well screened with vegetation meeting LDC requirements.~~
3. The dumpster shall be moved to a less conspicuous location and screened with a 7' masonry wall.
4. The gates for the dumpster enclosure shall be reviewed and approved prior to installation.
5. The new grade along the western portion of Wibben Avenue shall match the historic slope on Sils Avenue.
6. **The removal of the retaining wall should not affect the health of the surrounding trees or the historic fabric of the site.**
7. **The applicant should work with staff on alternative parking solutions and should reapply when they have better alternatives.**
8. The applicant shall contact staff if the design changes.

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.


Jay Stottman, Ph.D.
Pro tem Chair

7-1-2016
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.	+/-	The dumpster change is located in the rear of the building as is the parking. However, the parking plan does not meet the guidelines as it negatively affects the four green corners.
ST2	Retain established property line patterns and street and alley widths. Any replatting should be consistent with original development patterns.	+	
ST3	Use paving materials that are compatible with adjacent sites and architectural character.	+	Asphalt already on site and surrounding streets
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.	NA	
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.	+	Rear of main building
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.	+	Removing the modern retaining wall and restoring the historic topography is preferred
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.	+/-	If the proposed dumpster is moved to the staff recommended location, then the wall will blend into the site better. The decision to not create a masonry wall to screen parking is preferred.

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.	+	
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.	+	See 15DEVPLAN1193 for requirements and decisions on landscaping
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.	+/-	If the proposed dumpster is moved to the staff recommended location, then the larger tree will be preserved.
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	