Historic Landmarks and Preservation Districts Commission Minutes

October 17, 2019

A meeting of the Louisville Metro Historic Landmarks and Preservation Districts Commission was held on Thursday, October 17, 2019 at 9:00 a.m. at the Old Jail Building located at 514 W. Liberty Street, Louisville, Kentucky.

Commission Members present:
Chris Hartman
Emily Liu
Jay Stottman
Stefanie Buzan
Amin Omidy
Joanne Weeter
Ashlyn Ackerman
Christopher Fuller
Morgan Ward
Carrye Jones (arrived at approximately 9:19 a.m.)
Tamika Jackson (arrived at approximately 9:19 a.m.)

Commission Members absent (Excused):
Robert Kirchdorfer
Howard Rosenberg

Staff Members Present:
Dave Marchal, Deputy Director. Develop Louisville
Joe Haberman, Planning & Design Manager
Cynthia Elmore, Historic Preservation Officer
Savannah Darr, Planning & Design Coordinator
Becky Gorman, Historic Preservation Specialist
John Carroll, Legal Counsel
Sue Reid, Management Assistant

The following matters were considered:

APPROVAL OF MINUTES

AUGUST 29, 2019 AMENDED HISTORIC LANDMARKS AND PRESERVATION DISTRICTS COMMISSION MEETING MINUTES

SEPTEMBER 19, 2019 HISTORIC LANDMARKS AND PRESERVATION DISTRICTS COMMISSION MEETING MINUTES

00:03:14 Commissioner Buzan requested an additional amendment to the August 29, 2019 Minutes regarding Bruce Hines' testimony in that the testimony of Todd Underhill in the September 19, 2019 Minutes seems to contradict Mr. Hines' testimony from 8/29. The Commissioners, by general consensus, agreed to amend the 8/29/19 Minutes to strike hearsay testimony.

00:06:51 On a motion by Commissioner Weeter, seconded by Commissioner Hartman, the following resolution was adopted:

RESOLVED, the Louisville Metro Historic Landmarks and Preservation Districts Commission does hereby **AMEND** the minutes of the meeting conducted on August 29, 2019.

The vote was as follows:

Yes: Commissioners Buzan, Liu, Weeter, Ackerman, Fuller, and Hartman
Abstain: Commissioners Ward, Omidy, and Stottman
Absent: Commissioners Kirchdorfer, Rosenberg, Jones, and Jackson

00:16:08 On a motion by Commissioner Stottman, seconded by Commissioner Weeter, the following resolution was adopted:

RESOLVED, the Louisville Metro Historic Landmarks and Preservation Districts Commission does hereby **APPROVE** the Minutes of the meeting conducted on September 19, 2019.

NOTE: Commissioners Jones and Jackson arrived at approximately 9:20 a.m.

APPROVAL OF MINUTES

The vote was as follows:

Yes: Commissioners Buzan, Liu, Omidy, Weeter, Stottman, Jones, Jackson, and Hartman
Abstain: Commissioners Ward, Ackerman, and Fuller
Absent: Commissioners Kirchdorfer, and Rosenberg

00:17:53 On a motion by Commissioner Omidy, seconded by Commissioner Buzan, the following resolution was adopted:

RESOLVED, the Louisville Metro Historic Landmarks and Preservation Districts Commission does hereby **APPROVE** the Amended Minutes of the meeting conducted on August 29, 2019.

The vote was as follows:

Yes: Commissioners Buzan, Liu, Omidy, Weeter, Jones, Jackson, and Hartman
Abstain: Commissioners Ward, Ackerman, Stottman, and Fuller
Absent: Commissioners Kirchdorfer, and Rosenberg

NEW BUSINESS
Old_Louisville_ARC_Appt

Request:	Old Louisville ARC Appointment
Project Name:	Doug Wilson
Location:	Louisville Metro
Owner:	Louisville Metro Government
Applicant:	Louisville Metro Government
Representative:	Louisville Metro Government
Jurisdiction:	Louisville Metro Government
Council District:	6- David James
Case Manager:	Cynthia Elmore, Historic Preservation Officer

An audio/visual recording of the Historic Landmarks and Preservation Districts Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to obtain a copy.

Agency testimony:

00:18:58 Cynthia Elmore presented the recommendation for appointment of Doug Wilson to the Old Louisville Architectural Review Committee (see recording for detailed presentation).

00:19:43 Commissioners' deliberation

00:19:58 On a motion by Commissioner Weeter, seconded by Commissioner Omidy, the following resolution was adopted:

RESOLVED, the Louisville Metro Historic Landmarks and Preservation Districts Commission does hereby **RECOMMEND FOR APPROVAL** to Metro Council of the appointment of Doug Wilson to the Old Louisville Architectural Review Committee.

The vote was as follows:

Yes: Commissioners Buzan, Liu, Omidy, Weeter, Jones, Jackson, Ackerman, Fuller, Ward, Stottman, and Hartman
Absent: Commissioners Kirchdorfer, and Rosenberg

NEW BUSINESS
Clifton_ARC_Appt

Request:	Clifton ARC Appointment
Project Name:	Phil Samuel
Location:	Louisville Metro
Owner:	Louisville Metro Government
Applicant:	Louisville Metro Government
Representative:	Louisville Metro Government
Jurisdiction:	Louisville Metro Government
Council District:	9- Bill Hollander
Case Manager:	Cynthia Elmore, Historic Preservation Officer

An audio/visual recording of the Historic Landmarks and Preservation Districts Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to obtain a copy.

Agency testimony:

00:20:25 Cynthia Elmore presented the recommendation for appointment of Phil Samuel to the Clifton Architectural Review Committee (see recording for detailed presentation).

00:21:20 Phil Samuel introduced himself and provided a brief overview of his involvement in the Clifton neighborhood (see recording for detailed presentation).

00:24:14 On a motion by Commissioner Hartman, seconded by Commissioner Liu, the following resolution was adopted:

RESOLVED, the Louisville Metro Historic Landmarks and Preservation Districts Commission does hereby **RECOMMEND FOR APPROVAL** to Metro Council of the appointment of Phil Samuel to the Clifton Architectural Review Committee.

The vote was as follows:

Yes: Commissioners Buzan, Liu, Omidy, Weeter, Jones, Jackson, Ackerman, Fuller, Ward, Stottman, and Hartman
Absent: Commissioners Kirchdorfer, and Rosenberg

NEW BUSINESS
Clifton_ARC_Appt

00:24:30 Cynthia Elmore reminded the Commissioners that Landmarks Commissioners also serve on the ARC's, so she will be reaching out to them in the near future to see if anyone is interested in serving on some of the vacancies for Landmarks Commissioners for ARC's. Ms. Elmore stated they will also be bringing more applicants for ARC's from the public to the Commission in the next couple of months as well (see recording for detailed presentation).

00:25:00 Emily Liu asked Ms. Elmore if she could send the current ARC rosters to everyone (see recording for detailed presentation).

00:25:30 Commissioner Weeter stated Charles Birnbaum who's with the Cultural Landscape Foundation was the keynote speaker at yesterday's Olmstead Breakfast and one of his comments was that the Louisville Olmstead Parks, Parkways and Community Parks should be a National Historic Landmark. Commissioner Weeter stated the second point he made was that he singled out the Hogan's Fountain Teepee as an important cultural and historic landmark in Cherokee Park. Commissioner Weeter stated a group called Louisville Modern is having a lecture tonight and the featured speaker is going to be Cynthia Johnson (Elmore), and she is going to be talking about character defining features and how to identify mid-century modern architecture. Commissioner Weeter stated it is at 7:00 p.m. at the St. Matthews Episcopal Church (see recording for detailed presentation).

NEW BUSINESS
CASE NUMBER 19-COA-0052_APPEAL_01

Request:	Appeal of Staff Decision for Case 19-COA-0052 regarding an after-the-fact approval for the installation of a rear parking pad with associated masonry retaining walls and access stair.
Project Name:	Alley Parking Area
Location:	1407 St. James Ct.
Owner:	Kirby Holladay, Jr.
Applicant:	Stanley and Inga Bush
Representative:	Stanley and Inga Bush
Jurisdiction:	Louisville Metro Government
Council District:	6-David James
Case Manager:	Cynthia Elmore, Historic Preservation Officer

Note: Commissioner Liu recused herself for the remainder of this meeting.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Historic Landmarks and Preservation Districts Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to obtain a copy.

00:27:57 Commissioner Hartman stated if anyone needs to speak to please sign up and advised everyone of time limits for speakers (see recording for detailed presentation).

00:28:43 John Carroll, Legal Counsel, asked if the Commission wanted to hear the last two cases together since they deal with the same property (see recording for detailed presentation).

00:28:53 Commissioner Hartman asked Cynthia if she was presenting the information together, and she stated there was one staff report for both cases (see recording for detailed presentation).

00:29:10 Commissioner Hartman stated this will also include information on 19-COA-0052_APPEAL_02 (see recording for detailed presentation).

NEW BUSINESS
CASE NUMBER 19-COA-0052_APPEAL_01

Agency testimony:

00:29:33 Cynthia Elmore presented the case(s) and showed a Powerpoint presentation. Ms. Elmore responded to questions from the Commissioners. Staff, Legal Counsel, and Commissioners discussed the easement (see recording for detailed presentation).

The following spoke in favor of the appeals:
Stanley Bush, 1401 St. James Ct., Louisville, KY 40208 (19-COA-0052_APPEAL_01)
Frank Alexander, II, 1014 Carolyn Ave., San Jose, CA 95125 (19-COA-0052_APPEAL_02)
Richard Martin, 1411 St. James Court, #3, Louisville, KY 40208

Summary of testimony of those in favor of the appeals:

00:43:10 Stanley Bush spoke in favor of the appeal (19-COA-0052_APPEAL_01). Mr. Bush provided a brief history of the work that has been performed at 1407 St. James Court. Mr. Bush stated he disagrees that the Certificate of Appropriateness should have been approved at staff level because there was demolition involved. Mr. Bush referred to before and after pictures of the property. Mr. Bush responded to questions from the Commissioners (see recording for detailed presentation).

00:51:51 Frank Alexander spoke in favor of the appeal (19-COA-0052_APPEAL_02) and showed a Powerpoint presentation. Mr. Alexander stated he is very angry that something like this is approved at staff level on his own property without any notification to him. Mr. Alexander stated this project is ninety percent on his property, but it is also on other people's property. Mr. Alexander stated the application states that this is for an integrated project going onto multiple properties. Mr. Alexander stated staff did not have the authority to make this decision. Mr. Alexander responded to questions from the Commissioners (see recording for detailed presentation).

01:21:55 Richard Martin spoke in favor of the appeals (see recording for detailed presentation).

The following spoke in opposition of the appeals:
John Dwyer, 462 S. 4th Street, Suite 1250, Louisville, KY 40202

NEW BUSINESS
CASE NUMBER 19-COA-0052_APPEAL_01

Summary of testimony of those in opposition of the appeals:

01:23:56 John Dwyer spoke in opposition of the appeals. Mr. Dwyer spoke in regard to the easement and the dominant estate holder. Mr. Dwyer stated the Kentucky Court of Appeals has found that the easement is valid and that the dominant estate holder is 1407, and this April Judge Perry of the Jefferson Circuit Court entered an order that, among other things, authorized the owner of 1407 to make any applications for any permits related to the easement on 416 without Mr. Alexander's signature. Mr. Dwyer responded to questions from the Commissioners (see recording for detailed presentation).

01:32:57 Cynthia Elmore stated she just wanted to clarify that trees in the rear yard are exempt from review under the Landmarks Ordinance; a Certificate of Appropriateness Permits for rear yard tree removal. Ms. Elmore stated she also wanted to clarify that the legal determination came prior to the application submittal, so staff did not make a legal determination at their staff meeting, the case distribution list decided to make it a staff level review (see recording for detailed presentation).

Additional testimony in favor of the appeals:

01:33:38 Frank Alexander stated that Mr. Dwyer said the easement is valid. Mr. Alexander stated the Court of Appeals said we don't know if it's legal, but if something happens, it needs to be legal. They didn't say it was legal. Mr. Alexander responded to questions from the Commissioners (see recording for detailed presentation).

Additional testimony:

01:38:46 Cynthia Elmore responded to questions from the Commissioners. The Commissioners and Legal Counsel discussed the easement as well as the required action of the Commission (see recording for detailed presentation).

REBUTTAL:

01:46:43 Stanley Bush spoke in rebuttal (see recording for detailed presentation).

NEW BUSINESS
CASE NUMBER 19-COA-0052_APPEAL_01

01:49:08 John Dwyer spoke in rebuttal (see recording for detailed presentation).

01:50:21 Richard Martin asked questions of Mr. Dwyer regarding the demolition. Mr. Martin stated he wanted the Commission to know there was demolition of the wall on 1411 (see recording for detailed presentation).

01:51:05 Ms. Elmore stated the photograph of the concrete block wall is in the application from Mr. Holladay that was in the Commissioner's packets.

01:51:21 Commissioners' deliberation

01:53:36 On a motion by Commissioner Ackerman, seconded by Commissioner Omidy, the following resolution was adopted:

RESOLVED, the Louisville Metro Historic Landmarks and Preservation Districts Commission, in Case Numbers 19-COA-0052_APPEAL_01 and 19-COA-0052_APPEAL_02, does hereby **DENY** the Appeals. The Commission further finds that staff was not clearly erroneous in making the decision at a staff level.

NOTE: Commissioner Stottman left at approximately 10:22 a.m.

The vote was as follows:

Yes: Commissioners Buzan, Omidy, Weeter, Jones, Jackson, Ackerman, Fuller, and Ward
Abstain: Commissioner Hartman
Absent: Commissioners Kirchdorfer, Rosenberg, Liu, and Stottman

NEW BUSINESS
CASE NUMBER 19-COA-0052_APPEAL_02

Request:	Appeal of Staff Decision for Case 19-COA-0052 regarding an after-the-fact approval for the installation of a rear parking pad with associated masonry retaining walls and access stair.
Project Name:	Alley Parking Area
Location:	1407 St. James Ct.
Owner:	Kirby Holladay, Jr.
Applicant:	Franklin Alexander II
Representative:	Franklin Alexander II
Jurisdiction:	Louisville Metro Government
Council District:	6-David James
Case Manager:	Cynthia Elmore, Historic Preservation Officer

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Historic Landmarks and Preservation Districts Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to obtain a copy.

NOTE: This case was heard in conjunction with Case Number 19-COA-0052_APPEAL_01. Please see testimony beginning on Page 7 of these minutes.

01:53:36 On a motion by Commissioner Ackerman, seconded by Commissioner Omidy, the following resolution was adopted:

RESOLVED, the Louisville Metro Historic Landmarks and Preservation Districts Commission, in Case Numbers 19-COA-0052_APPEAL_01 and 19-COA-0052_APPEAL_02, does hereby **DENY** the Appeals. The Commission further finds that staff was not clearly erroneous in making the decision at a staff level.

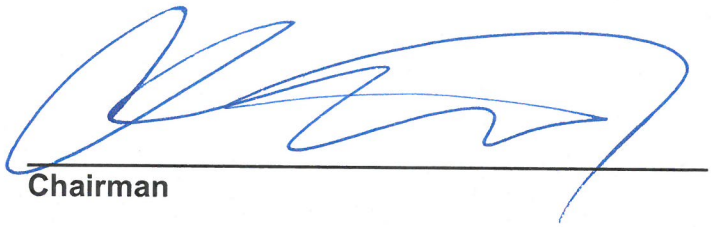
NOTE: Commissioner Stottman left at approximately 10:22 a.m.

NEW BUSINESS
CASE NUMBER 19-COA-0052_APPEAL_02

The vote was as follows:

Yes: Commissioners Buzan, Omidy, Weeter, Jones, Jackson, Ackerman, Fuller, and Ward
Abstain: Commissioner Hartman
Absent: Commissioners Kirchdorfer, Rosenberg, Liu, and Stottman

The meeting adjourned at approximately 10:59 a.m.



Chairman



Division Director