

**ON TUESDAY JANUARY 5<sup>TH</sup>, 2010 THE BOARD OF ARCHITECTURAL REVIEW HELD A MEETING IN THE SECOND FLOOR COURT ROOM OF THE WOODFORD COUNTY COURTHOUSE TO HEAR THE FOLLOWING APPEALS:**

The meeting opened at 5:00 P.M. with those being in attendance as follows:

**MEMBERS PRESENT:** Erin Shoot, Kevin Locke, Debra Shockley, Larry Leach, staff members Paul Noel Jr. and Petra Dotson

**MEMBERS ABSENT:** Jean Lawson

**ELECTION OF OFFICERS:** Ms. Shoot moved to elect Debra Shockley as Chair person, Larry Leach as Vice Chair and Kevin Locke as Secretary. Motion was seconded by Mr. Leach. Motion carried 4-0 in favor.

Ms. Shoot asked if the Board had previously approved the October 6<sup>th</sup>, 2009 meeting minutes and it was confirmed the Board has previously approved these minutes. The only minutes to review and approve are the October 29<sup>th</sup>, 2009 meeting minutes.

Ms. Shockley asked Mr. Noel the status of the Rose Hill construction and it was advised the construction has not yet begun.

**MINUTES:** Erin Shoot moved to approve the October 29th, 2009 Historical District meeting minutes, as seconded by Kevin Locke. Motion carried 4-0 in favor.

**Larry Leach moved to approve the October 29<sup>th</sup>, 2009 New Urban Code meeting minutes, as seconded by Erin Shoot. Motion carried 4-0 in favor.**

Mr. Noel addressed the Board about the last special request BOAR hearing which took place on a Thursday, October 29<sup>th</sup>. The next regularly scheduled meeting would have been on November 3<sup>rd</sup>; less than 1 week later. By the time the required two weeks of notification takes place it's close to the next regularly scheduled hearing. For example, the October 29<sup>th</sup> special request hearing was just a few days prior to the next regularly scheduled hearing.

Ms. Shockley indicated she was unable to tell what stage Mr. McKee's construction was in. She stated she believes the special request hearing was scheduled because it appeared Mr. McKee was in a rush. Mr. Noel advised the windows requested in the hearing were installed just last month. Ms. Shockley's concern is that she does not want to cause a builder to have to take out a construction loan because of delays from the Board. Mr. Noel stated if a building is under construction and it has been framed he will complete a framing inspection before the windows are in which is what he did on McKee's place. The only thing with regards to windows that is reviewed during an inspection is whether the window is required to have tempered glass. Realistically, there would not have been any delays on the windows if the hearing took place during the regularly scheduled meeting (as opposed to the special request hearing). Even if Mr. McKee wanted to put in insulation he could have boarded up the window holes.

Ms. Shockley stated she does not want to put the Board in a position where somebody may claim extra costs because of hearing delays. Mr. Noel stated if it was a situation where work would have to be stopped or a closing is scheduled that would be a reason to schedule a special request hearing; however that would be rare. Mr. Leach asked who determines when a special request hearing is warranted. Mr. Noel stated it comes to him first. The reason the October 29<sup>th</sup> hearing took place was because during the October 6<sup>th</sup> hearing Mr. McKee's case was denied and a Board member offered to make arrangements to have another hearing. Due to that, Mr. Noel indicated it was out of his hands. He believes that particular situation was a case of the squeaky wheel gets the grease. Ms. Shockley stated she could not really understand where McKee was in the construction process. Mr. Noel stated there is not a quality window company out there that doesn't have muntins. Ms. Shockley advised they need to keep in mind if it's a situation where there is a fire, flood or act of god then that may qualify for a special request hearing. Ms. Shoot wanted to know if a situation such as that would come in front of the Board. Mr. Noel advised it would be unlikely. Ms. Shockley indicated in a situation such as that it would only come to the Board once the re-construction was started. Mr. Noel stated he will use his best judgment when it comes to additional hearings and will consult when necessary.

Ms. Shockley explained she wanted to go over the hearing procedures. She explained it is her understanding the Board first hears from the applicant and then the Board can discuss the case. Ms. Shoot clarified that she was trying to go over the parliamentary procedures. Ms. Shockley stated the Board will hear from the applicant first and then the Board can ask questions. Mr. Noel stated at that point it's all give and take. Mr. Noel explained this is also the time when anybody from the audience can make a comment. Ms. Shockley stated then the motion is made. Mr. Noel stated there is a motion then a second motion. Ms. Shockley asked if the Board can then ask more questions. Mr. Noel stated the hearing has to be closed before the motions are stated. Mr. Noel stated if you need clarification during the question portion the Board can ask the applicant for specifics. Ms. Shockley asked if the Board can have a discussion after the second motion but before the vote. Mr. Noel stated the questions come after the second motion then the vote.

Ms. Shockley then requested the applicant come forward to present the first case.

**01-001-2010**                      **Certificate of Appropriateness:** Harmony Homes/Dennis Anderson – 257 Abbey Road and all remaining lots - R-1C/PUD Zoning District – Applicant is seeking approval to install windows closer than 36” to the building corners. Applicant is also seeking approval to use FYPON brackets, AZEK trim on bump out and vertical siding.

Mr. Tim Sadler introduced himself and stated he is a builder for Harmony Homes and is building out in the Wooldridge Gardens property. He indicated most of what he is requesting has already been pre-approved by the Board with different elevation and different materials on some. Mr. Noel advised the applicant to discuss each case as they are listed on the agenda.

Mr. Sadler stated he is requesting windows within 36” of the building corner. Ms. Shockley asked if that particular plan has been built somewhere else. Mr. Noel explained the plans being requested have not yet been used in Woodford County. The applicant indicated the plans have

been used in an area in Lexington. The photos in the Board's packet were taken from homes built in Lexington. Ms. Shockley asked if the 36" from the corner is any window that is visible from the street. Mr. Noel explained that during a work session it was decided the 36" window rule would apply to the 4 distinct corners of the building; discounting bump outs and bays. Mr. Noel explained his interpretation of the 4 corners for this particular model would be the corner by the front door, another in the front and two directly in the rear (Mr. Noel referred to the photos while he explained). Mr. Noel stated the width of the model is 16' wide. Ms. Shockley asked if there were requirements for that in the Code and there is not. Ms. Shockley stated she thinks proportionally the windows are placed nicely. Ms. Shoot stated she believes when the New Urban Code was set out the goal was to make it proportionally appealing and she thinks the 36" rule is arbitrary. Mr. Noel stated he thinks a lot of the bulk builders built homes where the second floor window abuts the corner. He believes that is the look the New Urban Code was trying to get away from. Functionality nothing is affected; the only thing this applies to is the 9' ceilings.

Ms. Shoot stated she believes the section with regards to the 36" rule should include something like "or equivalent scale". Ms. Shockley stated it needs some sort of proportion section. Mr. Noel stated it does not say anything about doors. He referred to a photo and the bump out is on the first floor where the dining room is and there is a door to the back side. Mr. Noel indicated they could put a door in the front if they chose to. Ms. Shockley stated she thinks the dining room is nice because it has 3 windows and if you apply to the 36" rule you would only have one window.

Mr. Locke stated there are four issues with this particular plan which are location of the windows, FYPON brackets, AZEK trim on the siding and vertical siding. Mr. Locke asked why vertical siding is being requested. Mr. Sadler stated the vertical siding would be similar to board and batten. Mr. Locke asked what the issue was. Mr. Sadler stated it has not been previously used or approved. Mr. Locke asked what material it is and Mr. Sadler stated vinyl. Mr. Locke asked if the horizontal siding is vinyl as well which Mr. Sadler confirmed it was.

Ms. Shockley reviewed the New Urban Code with regards to "Building Walls". She read the code which states wall material shall be consistently horizontally (i.e. joints between different materials must be horizontally and continue around corners) except for chimneys and piers. Ms. Shoot indicated she believes that relates to the spacing of the lap; instead of having different widths. Mr. Noel gave an example of 4' in the front and 5' in the back. Otherwise that does not make a lot of sense. Ms. Shockley referred to the plan and stated everything works well together. Ms. Shoot stated this is where it is difficult to decipher between architectural review and the New Urban Code because they are looking at as a visual. Ms. Shockley stated when you have a narrow building there should be an exception to the 36" rule. Ms. Shoot stated she thinks there needs to be a proportional aspect to that statement. Mr. Leach stated the Board can allow submittals that do not meet the New Urban Code if the Board so chooses but it will open the Board to other cases down the road. The Board should treat each case based on merit. Ms. Shoot suggested the Board approve the width with the caveat of being justifiably proportioned. Mr. Noel stated instead of setting a standard the Board could look at it from the perspective that if it was denied the builders would have to use only one window. Based on that the question to ask is which would look better, the double window or the single? Mr. Noel stated the overall

look the Code is trying to get to is the look with the double windows as opposed to the single window. Mr. Noel suggested in the future the Board consider the look. Ms. Shoot asked if the Board is supposed to follow the Code and sacrifice design. Ms. Shockley stated she thinks the goal is to use similar elements but all end up looking unique.

Mr. Leach asked if the windows have the required depth. Mr. Sadler indicated they do. From an aesthetic standpoint, Mr. Locke stated he does not have a problem with the configuration of the house. Mr. Leach asked what Azec is. Mr. Locke stated it is a composite PVC material. Mr. Sadler stated it is maintenance free material as opposed to rapped metal with wood where you would have to re-paint. The AZEC has a longer life and is maintenance free. He stated it has been previously approved by the Board.

Ms. Shockley stated if you don't take in to account the width of what is being built at Wooldridge the 36" is rather arbitrary. Mr. Noel advised if that is kept in mind the Board can easily make the decision the Board feels right on. Mr. Locke stated the width almost makes it look like a sun porch and therefore you would want as much glass there as possible. Mr. Locke stated vertical siding is something he sees all the time. Both he and Ms. Shockley believe it should have been included in the Code. Mr. Noel stated he wanted to the Board to review it since it has not been addressed.

Ms. Shockley stated if vertical siding is approved it should be for second floor only. Mr. Noel stated there are plenty of one story homes that have vertical siding. Mr. Sadler stated he has had a lot of requests for shake and board and blatten. Ms. Shockley indicated she was aware of a few homes in Midway that have that material and is very nice.

Mr. Sadler provided a sample of the FYPON bracket and passed it around to each of the Board members. Mr. Noel asked how they were installed and Mr. Sadler stated he believes they are bolted on. There were no further questions or any comments from the audience so the hearing was closed.

**Mr. Locke moved to approve the request for 257 Abbey Road and all remaining lots and approved the Bay Brooke plan. Ms. Shoot seconded the motion.** Ms. Shockley asked if anything should be added with regards to vertical siding on the second floor. Mr. Locke stated he would prefer to see each on a case by case basis since he knows of some 1 story houses that look nice with vertical siding. **Mr. Locke moved to approve the Bay Brook plan to include allowing windows within a 36 inch distance from the corner, FYPON brackets to be installed, allow AZEC trim on the bump out and vertical siding.** Ms. Shoot suggested the Board state the reason the Board is approving the windows to be closer than 36" is because of the appropriateness of the look. **Mr. Locke modified the motion to state the approval which is to allow the 36" distance to be encroached on the windows is due to aesthetic concerns.** Ms. Shoot seconded the motion. **Motion carried 4-0 in favor.**

**MOTION NOW READS: Mr. Locke approved the request for 257 Abbey Road and all remaining lots to allow the 36" distance to be encroached on the windows due to aesthetic concerns, FYPON brackets to be installed, allow AZEC trim on the bump out and vertical siding.** Ms. Shoot seconded the motion. **Motion carried 4-0 in favor.**

**01-002-2010**                    **Certificate of Appropriateness:** Harmony Homes/Dennis Anderson –  
257 Abbey Road & all remaining lots - R-1C/PUD Zoning District –  
Applicant is seeking approval to install vinyl picket fencing.

Ms. Shoot asked if the Board has already dealt with vinyl fencing on another case. Mr. Noel stated the Board has previously approved vinyl for privacy fencing. Ms. Shockley stated she remembers it was in the back of the home and it was solid with lattice. Mr. Noel stated this is the same material-the Kroy vinyl fencing- that has been previously approved. The Board has already discussed factors such as environmental, durability, warranty and care. Mr. Noel indicated the Board just needs to review the look of the fence.

Ms. Shockley asked if the fence will be installed as a front yard fence or will it run from house edge to house edge. Mr. Sadler stated the fencing is for the front yard. Mr. Noel asked the height of the fence for which Mr. Sadler stated he believes it is 36". Mr. Noel indicated pursuant to the zoning ordinance any fence is allowed if 42" or less. Mr. Sadler stated it is the same material as previously approved. Mr. Sadler provided a sample of the fencing. Mr. Leach asked if the elements of the fence are separate. Mr. Sadler indicated they were separate. Ms. Shockley asked if there were gates across the front sidewalk and how many lots would get a fence. Mr. Sadler stated there will be gates and he would like to put them on the back row (referred to lay out) and have picket fencing in front. The fencing would be put on the whole row. Ms. Shockley asked if it would be a homeowner option. Mr. Noel indicated once a homeowner purchases the home there is an option of taking down the fence which would be in compliance with the New Urban Code. Mr. Locke asked if there would be a privacy fence in the back and Mr. Sadler stated that would be optional. If the homeowner chooses to put up a privacy fence, the only way they can get approved is if they use the Kroy fencing. Mr. Noel stated it is an open field behind the row of houses so a lot of the homeowners would have rear yard privacy. There was a discussion of the lay out, the alley way and where the fencing would face. Mr. Leach asked what the name of the material is. Mr. Sadler indicated it is Kroy fencing. Ms. Shockley asked what would be done if there is a corner lot. Mr. Sadler stated the fence would go all the way to the back of the house.

Mr. Locke asked if there would be sidewalks adjacent to the streets. Mr. Sadler stated the sidewalks area already in and he is not sure how they run. He believes they run against the curb. Ms. Shockley asked if that meant the order would be curb, sidewalk, grass and fence. Mr. Sadler stated the fence would be on the back side of the sidewalk. The order would be the curb, fence and then the grass would start. Ms. Shockley asked how wide the sidewalks are. Mr. Sadler stated in most areas it is 5 feet. Mr. Locke asked if the owners are responsible for the maintenance if the grass grows up around the fence. The applicant stated Versailles has maintenance free subdivisions which means Harmony Homes keeps up with the maintenance. When a homeowner moves in, they pay a fee to Harmony Homes, and it is Harmony who keeps up with the maintenance. Mr. Sadler stated that is one of the reasons Kroy and Azec are being used which is because it is maintenance free.

Mr. Leach asked if the fences are going to be adjacent to the sidewalk. Mr. Sadler indicated they would be. Ms. Shockley asked how far back the house is from the fence. Mr. Sadler stated there

is a 10' set back. Mr. Locke asked how wide the lots are and Mr. Sadler stated they were 40 feet and 52' on the corner. Mr. Locke asked if there were any garages. Mr. Sadler indicated there are detached garages in the rear. There was a discussion with regards to the layout plans of the homes and where the homes will be placed.

Ms. Shoot stated she believes the fence is a good addition and allows a community type feel. Ms. Shockley asked if there is a fence in between each lot to separate each lot. The applicant stated the fence would turn down to the property line but not go the full length of the lot. The fence will go back to the front corner of the house to enclose the lot. Mr. Noel referred to the safety and privacy issue discussed in the past and stated the homes will either have a blind wall or the homes will be offsetted.

Ms. Shockley referred to the fence and garden walls section under the New Urban Code and indicated wood and metal are approved materials; however vinyl is not. Mr. Noel stated that vinyl has already been approved and the only item to be reviewed by the Board is the look of the pickets. Ms. Shoot wanted to confirm that vinyl privacy fencing was previously approved and the reason why this case is in front of the Board today is because of the picket fencing.

There were no further questions or comments. Ms. Shockley closed the hearing.

**Ms. Shoot moved to approve the vinyl picket fencing as shown, as seconded by Larry Leach. Motion carried 4-0 in favor.**

**01-003-2010**

**Certificate of Appropriateness:** Harmony Homes/Dennis Anderson – 259 Abbey Road, 261 Abbey Road and all remaining lots - R-1C/PUD Zoning District – Applicant is seeking approval to install vinyl shake on elevation A, windows closer than 36" to the building corners, vinyl shake on elevation B, vertical siding and FYPON brackets.

Mr. Noel indicated the Board has seen a similar house and has already approved some of the items being requested. He advised the Board is to review the 36" distance, the FYPON brackets, vertical siding and vinyl shake. Ms. Shockley asked if the Board is reviewing three different styles of elevation and the applicant responded that was correct. Ms. Shockley asked if the Board needs to approve each one separately. Mr. Noel advised the Board can approve the items however they choose.

Ms. Shockley asked if the applicants intend to use all the different plans. Mr. Noel stated on one of the plans there is a change in the roof which is why he wanted it to be reviewed by the Board. Mr. Noel referred to one of the plans and stated the front elevation on the 36" distance window has 2 single windows which seems more proportionally appropriate. Ms. Shockley indicated this particular home is 4 feet wider then the one they just reviewed. Mr. Sadler stated as far as the window distance it is the lower right window that has the 36" distance issue. Mr. Noel asked if there were any other windows with that issue and Mr. Sadler stated there was one or two more. Mr. Locke asked if the reason the windows are being placed where they are is because of centering between columns. Mr. Sadler advised that was correct. Mr. Noel referred to a plan

and stated there will be no windows on that side of the house. Ms. Shockley stated the windows are in front and back only. Ms. Shockley indicated the lots are 40' wide and wanted to know if the homes are being placed on one side or are they centered. Mr. Sadler stated the homes are all centered. Ms. Shockley stated that each home is getting 20' from the neighbor.

Mr. Sadler provided a sample of the vinyl shake. Mr. Noel advised the Board the first time he had seen vinyl like that he was standing on a 16' deck(vinyl), about 14' from the wall and did not know it was vinyl. Ms. Shoot stated she believed this vinyl is a superior product to standard vinyl. Ms. Shockley indicated it has a nice dimension and it is nicer than the vinyl shake she has seen. Mr. Locke asked what the corner trim material is. Mr. Sadler stated he believes it is a white vinyl trim.

Ms. Shockley asked if the non hipped front porch roof, elevation B & C, is a standing seam roof or shingles. Mr. Sadler responded that the roofs will have shingles. Mr. Locke asked if the foundation walls are made out of block which the response was block. Mr. Locke referred to the photos and asked what was used and Mr. Sadler indicated it was stucco. Mr. Noel asked if it was split face and Mr. Sadler responded that it was not. Mr. Locke asked if it was stucco over the block and Mr. Sadler confirmed it was.

Ms. Shockley closed the hearing since there were no further questions or concerns.

**Mr. Leach moved to approve vinyl shakes, vertical siding, FYPON brackets, Madison Plan A, B & C, and allow windows within the 36" from the corners because of the proportion of models.** Ms. Shockley asked for the manufacturer and style of the vinyl. Mr. Noel asked if the intention was for the Board to approve a particular manufacturer and style. Ms. Shockley confirmed that was correct. Mr. Sadler stated the vinyl shakes are manufactured by Foundry and the style is the Architectural Classic Shake Series, 7" architectural shake. **Mr. Leach amended the motion to add the specification of the vinyl shakes which is made by The Foundry and it is the 7" Architectural Shake series. Motion was seconded by Ms. Shoot. Motion carried 4-0 in favor.**

Mr. Locke asked the cost of the homes. The applicant advised the Madison plan will sell for \$141,000 and the Baybrook plan will sell for \$149,000. The goal is try to give the homeowners bigger yards. Mr. Noel advised building permits will be necessary.

**Mr. Leach moved to adjourn the meeting, as seconded by Mr. Locke. Motion carried 4-0 in favor.**

X \_\_\_\_\_  
Debra Shockley