

SPECIAL REQUEST HEARING

ON THURSDAY OCTOBER 29, 2009 THE BOARD OF ARCHITECTURAL REVIEW HELD A MEETING IN THE COMMUNITY 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, Jean Lawson, Debra Shockley, Larry Leach, Staff members Paul Noel Jr. and Petra Dotson

MEMBERS ABSENT: None

MINUTES: Kevin Locke moved to approve the October 6th, 2009 Historical District meeting minutes, as seconded by Erin Shoot. Motion carried 5-0 in favor.

Mr. Noel advised Mr. Leach that it is his choice as to whether or not he wants to vote on case where he was not present at a hearing. There was sufficient evidence and minutes to make a vote on. Mr. Leach indicated he reviewed the minutes.

Mr. Noel explained that Commission Attorney, Tim Butler, in reading the minutes, he has made a suggested the Board should stick to Parliamentary procedures with the respect as far as opening and closing the hearing, motions called for question and those parts of it. Once a hearing is closed, all input from anybody other then the Board members, should cease. The Board is able to discuss what they want once the hearing is closed and if necessary the Board may call upon the applicant to ask additional questions. Ms. Shockley asked that once the hearing is opened, then public discussion, will the Board be allowed to discuss the case at that time? Mr. Noel advised that the Board can discuss the case at that time. Then the public portion of the meeting is closed. Mr. Noel advised Ms. Shockley, after the hearing is closed she can request a motion which will be followed by a second and then the Board can have a discussion if necessary. Ms. Lawson asked if that means the Board can have a discussion amongst themselves? Mr. Noel explained if there is a question for clarification then the Board can ask the applicant.

Mr. Noel stated the McKee case which is listed last on the agenda is closed.

BOAR # 10-014-2009 - Virgil Mathews Estate/Bob Mathews – 114 Rose Hill – OHB-2 Zoning District – Applicant is seeking to construct a new building.

Ms. Shockley advised the applicant to provide a synopsis of the request. Mr. Noel advised since there is a sign presented on the plan it would be appropriate to vote on that as well. Mr. Mathews stated he is trying to build an office building on Rose Hill Ave. Ms. Shockley asked if that was the lot owned by the bank. Mr. Noel stated the bank does not and the bank owns the one next to the white concrete block. Ms. Shockley indicated she thought this was the lot owned by the bank where they were going to put a parking lot. Mr. Noel explained that is where the bank parks their re-posessed vehicles.

Ms. Shockley asked if the list of materials provided with the application is still the same? Mr. Mathews responded that it was. Ms. Shockley asked about the parking. Mr. Mathews advised it is in the rear drive on the right side. Mr. Noel stated in this particular zone on-site parking is not required. Ms. Shockley asked if the building is going to be 4 feet off the sidewalk. Mr. Mathews responded that the building will be 4 feet of the sidewalk. Ms. Shockley asked Mr. Noel if the Board would be reviewing the back of the building. Mr. Noel stated it will be visible from all sides. There won't be much visible on the left side until something is built. He stated there is not much to look at on both sides. Ms. Shockley asked if there was going to be a driveway off of Rose Hill for which Mr. Mathews responded there would be. Mr. Noel asked if it will be accessed from the alley? Mr. Mathews stated it will be for both sides of the property.

Mr. Leach asked if there are plans for the parking lot? Mr. Mathews he does not have plans. Mr. Leach asked if there was a plan to pave the remainder of the lot for which Mr. Mathews stated he was. Mr. Leach asked how the lot was going to be configured? Mr. Mathews referred to a diagram and was showing Mr. Leach. Mr. Noel asked if the parking spots were going to be parallel or diagonal and Mr. Mathews indicated they would be diagonal. Mr. Leach asked if there were plans for landscaping? Mr. Mathews indicated he was not sure if that is required. Mr. Noel indicated since on-site parking is not required he is not sure about landscaping.

Ms. Shockley asked if parking is required? Mr. Noel stated there is no parking required in an OHB-2 zone nor are there any requirements for setbacks on the buildings. So you can own a property downtown and not own a blade of grass. Ms. Shockley asked if the building could be the size of the lot? Mr. Noel stated that is correct. Mr. Leach asked if there was anything that required green space and Mr. Noel stated there is none that he is aware of.

Ms. Lawson asked Mr. Mathews if the architects who drew the plan considered the Kentucky Historic Façade Guidelines? Ms. Lawson explained that the guidelines are a part of what the Board has adopted. Mr. Mathews asked what she meant. Ms. Lawson stated typically there are some suggestions in the guidelines and wanted to know if the architects used them when drawing the plan; an example would be from keeping a flat front façade. There is a whole chapter that talks about Kentucky Historic Façade and that has been adopted by the Board of Architectural Review. It talks about larger windows; larger than the ones drawn on the plan. It also talks about having doorways recessed so you keeping your voids. This doesn't make a difference financially but does make a difference to the look of the building. Mr. Mathews stated he was not aware but he can recess the door. Mr. Mathews advised they were trying to blend in with what is there. Ms. Lawson stated the idea is not trying to pretend to be old but rather trying to keep a store front look rather than a house look. Ms. Lawson asked Ms. Shockley and Mr. Locke about what can be done with the windows and doors. She also advised Mr. Mathews that both Board members are good with dimensions and was hoping they can offer suggestions. Ms. Lawson indicated she was talking about arranging buildings, windows and doorways in a matter that reflect a pattern seen in other buildings in the downtown area. It does not mean the building can't be newer. Ms. Lawson gave the example of the Thoroughbred building where the doorways were recessed to make it look more like downtown. Ms. Lawson asked Mr. Mathews how many offices he intended on putting in the building and he responded with one. Ms.

Lawson asked Mr. Mathews if he had a problem with a larger store front and recessing the door. Mr. Mathews indicated it would not be a problem.

Ms. Shockley asked if the awning is going to have lights in it and Mr. Mathews stated it would. It would have a 2 foot height. Mr. Noel stated there is a contradiction in the Zoning Ordinance where it states in page 7-56 which states "Commercial door to window vertical height should be between 2/3rds and 3/4ths the height of the door. Mr. Noel stated if you are looking at a 6 8 door you are looking at 4 or 5 feet. Ms. Lawson stated the Board has had that come up in the past. Mr. Noel stated if you consider page 7.59 which states "vertical height should be approximately two times the width of the window", does it mean to narrow the window? Two times the width of the window on a 3 foot wide window puts you at 6 feet for your height of the window. Mr. Noel advised page 7-56 refers to commercial and the other does not. Ms. Shockley stated it would allow brick below the window and you would not have to run it all the way to the ground. Ms. Shockley asked if it was going to be a typical commercial construction or a metal building. Mr. Mathews stated it was going to be stick build. Mr. Noel stated the windows on the right side will be visible because of the driveways. The other side will be 2 foot off the existing building. Ms. Shockley stated there will be no windows on the side. Ms. Lawson asked if the building is going to be 2 story and Mr. Mathews stated it will be a 1 story building. Mr. Noel stated 2 story buildings don't start on that block until you get to the check cashing building. Ms. Lawson stated that building is an original building and has a set back door way. Mr. Noel stated it is because it used to have a banner that cut down the front door.

Mr. Locke asked how wide of a space is between the east side of the property line facing the existing building. Mr. Locke wondered it was 15 feet. Ms. Shockley stated she didn't think so because the owners were going to put in diagonal parking. Mr. Noel stated there is a 48 foot lot and they are putting in a 34.8 foot building in. The applicant has 15.4 feet for the driveway which leaves 31 feet for the parking area. Mr. Locke asked how close the building is and Mr. Noel stated it was two feet. Mr. Noel stated it is on the property line. Ms. Shockley stated the original plan was to put in landscaping with diagonal parking. Mr. Locke referred to the plan and pointed to one side of the building asked if there were going to be windows on that side. Mr. Mathews indicated there would not be windows on that side because he doesn't know what is going to be built next the lot on that side. Mr. Locke stated that it is possible something can be built up to the property line next to the building. Ms. Lawson stated she thinks it would be typical to not have windows on that side of the building.

Mr. Locke asked Mr. Mathews if he planned on going with a store front or larger windows in front of the building and Mr. Mathews stated he was going to put in larger windows. Mr. Noel asked if the Board meant a store front with non divided light which they confirmed they did. Mr. Locke stated he is not sure if you would want a store front in an office area because you don't want big huge large pieces of glass. Mr. Locke asked if Mr. Mathews would prefer to have energy efficient glass. Mr. Mathews indicated he would prefer the latter. Ms. Lawson stated that does not follow the guidelines. Ms. Lawson stated it has been an issue in the Kentucky Historic Façade guidelines because many of the downtown buildings have tried to brick up the front building because they have gone more towards attorneys and banks. Ms. Lawson stated if you have a store front window on top of that you will have bricks but at least it still gives the store front look. Mr. Locke asked Ms. Lawson if she meant that means the Board should require

the store front look. Ms. Lawson stated when you are doing an infill and to keep the same voids it would be store front as opposed to one that was smaller. Ms. Shockley asked if she meant more residential looking and Ms. Lawson stated that is what she meant. Ms. Lawson stated the Board was not around when some of the buildings were bricked up front. Ms. Shockley asked if the changes the Board discussed is enough to require new plans. Mr. Noel indicated the zoning ordinance does state if a window unit is to be broken into panes, then there should be true divided lights with mullions. Ms. Shockley stated that it is in a downtown area a lot the buildings look more residential and she thinks the goal is to look more like a main street. Mr. Leach asked if there was an issue with the door other than recessing it. Ms. Shockley stated she did not think so and she believes the Board has approved this type of door before. Ms. Shockley stated she does not find a problem with a store front door. Ms. Lawson stated this case is unique because it is not in a block of existing buildings. The Board has to look at things like floor elevation and keeping with roof lines. She stated the Board is looking at a free standing building but at the same time has to follow the guidelines. It is not on a primary street. Ms. Lawson stated she thinks when the plan was drawn up there were not thinking of the façade guidelines. Mr. Leach stated if the decision is to go with store front windows it would create an issue with the sign because of spacing. Ms. Shockley stated it depends on where the windows end up being because if they end up back in the middle of the rooms it's probably not a problem to have the signs there. Mr. Locke asked if it really needs to be a store front build on that street. Ms. Shoot stated that is her question as well. Ms. Shoot asked if the Barnes building follow the historic guidelines. Mr. Noel stated it does as well as the church across the street. Ms. Shoot stated she doesn't have a problem with whether or not the window is store front as much as the proportion of opening to solid on the façade. Ms. Shockley asked if she thinks the windows should be larger and Ms. Shoot indicated she did and then recess the door. The play of solid wood on the front to bring it back to the historical proportions. Mr. Locke stated either way the Board is looking at a re-design of the front façade, whether it stays and make the windows larger or it should be a store front. Mr. Leach stated he would like to see a new drawing for the front elevation. Ms. Shoot asked if that is the only elevation the Board is concerned about?? Mr. Locke stated he thinks the other elevations are fine; however the right may be affected depending on what is built next to it. Mr. Locke asked if the Board is asking Mr. Mathews to go back and be mindful of the historic façade guidelines and leave it at that and have a re-submittal and let the owners decide what they want for the storefront. Ms. Lawson stated so that Mr. Mathews doesn't have to guess, can the Board provide dimensions and a recessed door. Ms. Shoot indicated the dimensions should be in the ordinances. Ms. Shockley wanted to know if Mr. Mathews has a copy of the guidelines and Mr. Noel stated he was not aware but all he needs is a copy of the ordinance because that is what the law is. Ms. Lawson stated the Kentucky Historic Façade guidelines have been incorporated with the Board of Architectural Review guidelines. Mr. Noel stated the only record that is referenced is the National. Mr. Noel stated he could not find it in the ordinance. Ms. Lawson stated she thinks it was done when Mrs. Wilson was the staff member. Mr. Noel indicated it references interior standards in the ordinance which is the grey book. Mr. Noel stated he knows the façade guidelines were used in the formulation of the Board of Architectural Review guidelines. Ms. Shockley stated she thought the Board adopted it. Mr. Noel asked if he thinks the Board could explain to the applicant what it is they are looking for; for example of recessed door and what kind of dimensions(how wide and deep) and how big the store front window should be etc. Ms. Shockley asked if it would be easier to give Mr. Mathews a copy of the guidelines. Ms. Shoot stated the Board could choose what they

think is more applicable. Mr. Noel stated it does address commercial. Ms. Shockley read the guidelines which states commercial door to window vertical height should be between 2/3rds and 3/4ths the height of the door. Ms. Shockley stated she believes the Board would consider this and advised it was on page 7-56 of the ordinance. Mr. Noel asked Mr. Mathews if he is putting in a 6'8" door. Mr. Mathews confirmed he was. Mr. Noel then stated that is 60%. Mr. Locke stated what he doesn't have is the two times the width of the window. Mr. Noel stated that is in another section of the ordinance and he doesn't think you can apply both at the same time. Mr. Locke stated then you don't need to have a 2' x 4' window. Mr. Noel stated that is a pretty good size window and would be concerned about whether the owners would want to do anything out front. Mr. Locke stated a 2' x 4' window would cover both sections of the zoning ordinance. Mr. Locke stated two of the 2 x 4 windows and recessing the door would improve the façade.

Mr. Locke asked whether or not there is a requirement for store front glass. Mr. Noel stated there is nothing in the ordinance that he can find. Mr. Locke indicated he believes if you add another window on one side that would go a long way in helping the façade and keep the signage where it is. He also stated recessing the door entry by 3 feet would help. There was a discussion as to what side and how to put the extra window in. Mr. Locke stated you can replace the signage with another window and move the signage over to the left hand side of the door in addition to recessing the door. Mr. Locke asked if recessing the door was an issue the Board was not sure about. Mr. Noel stated he did not think so. Mr. Locke stated the way he looks at this the façade has some aesthetic issues but with more window added it would be an improvement to the block. Mr. Noel asked if a store front door is going to be used and the answer was yes. Mr. Noel indicated he wanted to confirm what the input was which is keep the windows that are there, add a window where the sign is, move the sign to the other side and drop the door back a few feet. Mr. Mathews wanted to know if he is required to re-submit a new drawing and an application. Mr. Noel stated they are trying to work this so he would not have to do so. Ms. Lawson stated it could be put in the motion to submit the plans to Mr. Noel for him to review and approve. Mr. Noel stated he does that anyway and this in the process. Ms. Shockley asked if the Board members had any other comments. There were no comments so the hearing was close.

Ms. Shoot moved to approve the application with the stipulation that the front elevation will change to have an additional window on either the right or left hand side, recess the door 2 feet. Mr. Locke seconded the motion. Ms. Shockley asked if the sign should be added. **Ms. Shoot added to the motion to add the sign as presented and move the sign in relation to window placement. Mr. Locke seconded the motion.** Ms. Lawson asked what the sign would be made from? Mr. Leach asked what the material and size will be. Mr. Locke asked Mr. Mathews what material of the sign going to be. Mr. Mathews stated it can be whatever the Board wants. There was a discussion as to the different options for the sign. Ms. Lawson asked if the sign was going to be lit? Mr. Mathews indicated it was not going to be lit. Ms. Shockley asked if the sign was going to be a surface mounted flat sign. Mr. Mathews indicated it would be. Ms. Shockley asked if the sign is going to have just the name of the business for which Mr. Mathews indicated it will. **Motion carried 5-0 in favor.**

MOTION NOW READS:

Ms. Shoot moved to approve the application with the stipulation that the front elevation will change to have an additional window on either the right or left side and the front door is to be recessed 2 feet. In addition, the sign is approved as requested and shown on the plan and to be moved in relation to the window placement. Mr. Locke seconded the motion. Motion carried 5-0 in favor.

Ms. Lawson wanted to clarify whether or not the Kentucky Historic Façade Guidelines has been adopted by the Board. Mr. Noel stated he thinks that was a part of research material used. Mr. Noel stated he did not see a record of it being adopted and if that is the face, the commission will have to do so. Ms. Lawson stated she just wants to check as to whether or not it has been adopted so the Board knows for sure.

Ms. Shoot moved to adjourn the meeting, as seconded by Mr. Leach. Motion carried 5-0 in favor.

URBAN CODE

BOAR # 10-015-2009 Jerry Woodall/James McKee –Lots 501-571, lots 263-288, lots 1-16 and 23-36 of Wooldridge Gardens Section 1-B & 2-A plus Section 3-A, respectively - R-1C/PUD Zoning District – Applicant is seeking approval to install Roger Vinyl windows

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

MEMBERS ABSENT: None

MINUTES: Ms. Shoot moved to approve the October 6th, 2009 New Urban Code meeting minutes. Mr. Locke commented that the motion on page 13 of the minutes was incorrect and should read as follows:

“Mr. Locke moved to deny the request for the express reason that the window does not meet the New Urban Code requirements specifically that it does not have an applied exterior muntin or true divided light, as seconded by Ms. Shoot. Ms. Shockley, Ms. Shoot and Mr. Locke voted in favor and Ms. Lawson voted in opposition”.

The motion was seconded by Ms. Lawson. Motion carried 5-0 in favor.

Mr. McKee indicated he is using the same window with the same specifications. The window manufacturer integrated a frame to have exterior applied muntin. The window still tilts out, trims and screens are the same, and the 2” relief will be the same. Mr. McKee brought a sample of the window with exterior muntins for the Board to review. Ms. Lawson wanted to know if the trim piece was part of the mold and asked about what part of the frame was custom made. Mr. McKee stated he believes the whole molding was included. Mr. Noel asked what the model number of the piece is? Mr. McKee stated he is not sure if he could get it because it is a

prototype. The product was just created for McKee's use and not on the standard line. Mr. Locke confirmed that the windows he is requesting is going to be used for the windows that are visible from the street and the other windows that are not visible do not apply in this case. Mr. McKee asked if the alley side and the sides are what is not visible? Mr. Noel stated it has to be visible from the addressed street. Mr. McKee stated a lot of problems has been due to lack of definition on certain things and he wants to make sure, before he gets the windows installed, what is considered clear and visible from the street. Mr. McKee asked in a situation where a 5 foot side yard and you can stand in the street and see a window down the side of the street, is that visible? Mr. Noel stated that would be visible and that plays in to the muntin issue more then anything else. Basically, the front and the side windows of any home out there would come under visible. Mr. Noel stated that would be the case. Mr. Noel stated with the homes you have permits on now, did we address from High street alley. Mr. McKee stated that is just an address marker that is not the address of the home. Mr. Noel stated it is an accessible street to the building. The ones that front High Street are not accessible from High Street; you have to go around McCowans Ferry Alley. Mr. McKee asked if that means all 4 sides would be visible. Ms. Shockley asked if Schoolhouse Road is off McCowans Ferry. Mr. Noel stated it does not and it intersects with the connector road. Schoolhouse Road does not come over to High Street. Mr. Noel stated somewhere along the way, it changes to Chinoe Way. Schoolhouse comes from the connector road and Chinoe Way comes off of McCowans Ferry. Ms. Shockley stated she believes all issues have been resolved and the Board was down to muntins. There were no further comments from the Board members. The hearing was then closed.

Mr. Locke moved to approve Rogers vinyl window that has been customized to include an exterior applied muntin on the properties listed. Ms Shoot seconded the motion. Motion carried 5-0 in favor. Ms. Lawson stated she was pleased to hear that the window company is going to start carrying this because it is concern of her that when an exterior applied muntin breaks there is now a replacement as opposed to applying something to the exterior. Mr. Locke thanked Mr. McKee for doing the work necessary to be able to get this done. Mr. McKee commended the Board for working with him and because he got approval the Rogers company can offer local employment.

Mr. Noel stated the Board just needs to determine what is visible from the Street on the properties he discussed earlier on the McCowans Ferry Alley. Ms. Lawson asked if it was a public or private street. Mr. Noel stated it is public but not intended to be a thoroughfare. Ms. Shockley stated the Board reviewed a case for fencing and the owner was going to be put in between the buildings. Mr. Noel stated this is not the same situation. Mr. Noel stated you cannot get to the front side and the building face High Street. Mr. Locke stated he thinks visible from the street would mean High Street. Ms. Lawson stated under Board of Architectural an alley not considered visible. Mr. Noel stated the Board has set the standard that visible from the street is the street the property faces.

Mr. Locke stated the visibility issue should apply to the front door addressed street. Mr. Noel stated that is what he is talking about which is the front door is not the addressed street. The Board decided the street that the front façade is on is what is to be considered for visible to the street.

Mr. Noel stated you need to look at it from a 911 standpoint and you have to response to a call you want them to use the street that is accessible. There was a discussion with regards to the different homes and their addresses.

Ms. Lawson moved to adjourn the meeting, as seconded by Ms. Shoot. Motion carried 5-0 in favor.

X _____
Debra Shockley