



**TOWN OF BEAUX ARTS VILLAGE**  
**PLANNING COMMISSION**  
**MINUTES**

April 21, 2005  
Hobbs

**Present:** Acting Chairman Sylvia Hobbs, Commissioners Karen Scott and Dennis Casey  
**Excused:** Carol Clemett, Jake Donoghue  
**Guests:** Town Planner Mona Green, Julia Morse, Gail D'Alessio, Greg and Jean Heiser  
**Deputy Town Clerk:** Betsy Donworth

Acting Chairman Hobbs called the meeting to order.

**Minutes:** Commissioner Casey moved to approve the corrected minutes of the March 15, 2005 meeting. Commissioner Scott seconded. Motion carried unanimously.

**Public Hearing:**

Commissioner Hobbs opened the public hearing on proposed modifications to Ordinance 289, which include changing the maximum building height and allowing landscape features in the setback. The proposed language is:

**Building Height:** *“8D. The maximum height of any building or structure shall not exceed thirty (30) feet above existing grade and finished grade.”*

**Landscape Features:** *“the following structures may be allowed within setback areas: fences; retaining walls; rockeries up to 30” tall; ornamental landscape structures up to 30” tall, including ornamental pools of any depth provided they comply with safety regulations stipulated in Ordinance 187; garden trellis gates up to 8’ tall.*

After discussion, the Commissioners agreed to include the provision for landscape features in a new ordinance, amending Ordinance 289, which will be presented to the Town council at their June meeting.

Discussion continued on building height, focusing on the Hunts Point concept of the sloped roof. Greg Heiser, who has bought the Dougan property, displayed preliminary drawings showing how his proposed home would look if there were a straight 30’ building height. He suggested that without regulating zoning to mandate graduated building height, homes will look boxy due to the fact that homeowners will always try to maximize the square footage of

their homes. He added that BAV has most restrictive zoning code of jurisdictions he has built in. Commissioner Hobbs also worried that that “cubes” would be built. Graduated building height might mean that buildable space is lost, but GFAR is also limiting. Commissioner Scott stated that she is not in favor of having the code so strict, which in turn encourages people to be less creative in architectural design. When zoning allows for different building heights at different points on a lot, more creativity is achieved. She added that flat roofs should not be encouraged, nor is it the Planning Commission’s place to dictate building design. Planner Green then clarified that the proposed 30’ rule provides that 30’ will be measured from *any* point on the property (following the slope of the land), which had not been clear to Commissioner Scott or the Heisers. (Both felt that the proposed language was unclear, suggesting that building design would be significantly limited). Green added that at the previous Planning Commission meeting there had been sufficient consensus that the 30’ height regulation is restrictive enough, and that adding additional regulation for sloped roofs is too much do at this time. Commissioner Casey stated that he likes the sloped roof concept but does not want to regulate what kind of roof someone has. Planner Green will re-write the 30’ height provision so that it is very clear. Commissioner Hobbs encouraged the Planning Commission to act on the 30’ height provision. The Commissioners agreed that the 30’ maximum building height modification shall be included in the amended ordinance. They further agreed to defer the discussion on sloped roofs/graduated building height to a later time when they have gathered more input from both the community and some architects.

Later in the meeting, Commissioner Scott stated that she feels strongly that roof overhangs and minor structural elements should be allowed in the setbacks and that provisions allowing for this should be added to the current zoning code amendments. Commissioner Hobbs and Commissioner Casey explained that the Planning Commission has spent 2 years discussing property setbacks and that action on both the landscape features and building height needs to be taken now. Commissioner Hobbs acknowledged the disagreement between the Commissioners on this issue. Commissioner Scott added again that she feels that allowing roof overhangs cantilevered into the setbacks should be included with the current ordinance changes. Clerk Donworth stated that this issue was not advertised as being part of the public hearing, acknowledging that the Town Council has stated that they want the Planning Commission to look into possibly allowing additional features in property setbacks; therefore, the issue will be discussed at future meetings.

**Fence Height:**

The Commissioners continued discussion of the current fence height provisions and whether or not they should be modified. Currently, fences up to 6 feet are allowed without a building permit, and 6 – 8 foot fences are allowed if the homeowner gets a building permit (fences over 6 feet need to be engineered and therefore plans need to be reviewed by a building inspector). Commissioners discussed how reducing the maximum fence height might increase variance requests; Commissioner Scott did not want to force homeowners to seek variances. The concept of variable fence height was discussed, with 4 ½ feet maximum for front yard fences and 6 feet maximum for side and rear fences. The Commissioners agreed that the regulation needs to be clearly written so that there is no confusion on how the fence

is measured, or where it is measured from. Planner Green suggested language that more clearly defines the desire to limit fences to 4 ½ and 6 feet, as follows: *Fences shall not exceed 4 ½ feet in height in the front and 6 feet in height in the side and rear yards, measured to the highest point above existing and finished grade.* The Commissioners agreed that the proposed zoning code amendment should include language reflecting this concept.

**Grading Permit:**

Clerk Donworth clarified that if construction were to include altering the existing grade of the property, this would be noted on the permit application and possibly trigger the need for a topographic survey.

**Storm Drains:**

Planner Green stated that (because there is not a complete survey of Village storm drains), builders are being asked to locate utilities on or around properties and show them on their building plans. Based on this information and new engineering, an inventory of utilities will begin being built with the goal of developing a comprehensive drainage plan over the next several months.

**Construction Rules:**

Due to the significant amount of new construction and major remodeling going on in the Village, Commissioner Hobbs suggested a variety of rules that should be in force to protect homeowners, roads and planted right-of-ways. A list will be developed with the idea of including it with the building permit documents, thereby alerting homeowners and contractors that such rules exist - and that they will be enforced by the building department.

**ADJOURN:** Acting Chairman Hobbs moved to adjourn. Commissioner Casey seconded. Motion carried unanimously.

Respectfully submitted,

Betsy Donworth  
Deputy Town Clerk