



The Blue Grass Trust  
for Historic Preservation

Thursday, November 15, 2012

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Mr. L. Michael Owens, Chairman  
Planning Commission  
LFUCG Division of Planning  
200 East Main Street  
Lexington, KY 40507

RE: **BOAR 2012-2: BOCA TIDE, LLC** – an appeal of the Board of Architectural Review’s denial of a Certificate of Appropriateness for a gazebo in the front yard of property located at 372/380 South Mill Street (Council District 3).

Dear Mr. Owens and members of the Planning Commission:

The Blue Grass Trust for Historic Preservation serves as the region’s leading advocacy organization for all preservation related matters. Founded in 1955, we are the 14th oldest preservation organization in the United States. Since the time of its formation, the BGT has endeavored to promote the public recognition and preservation of buildings, structures, neighborhoods, districts, areas and objects which form the foundation of the Bluegrass Region’s historic fabric.

On Thursday, November 15, 2012, Mr. Bobby K. Freisberg, Boca Tide, LLC, brings to you an appeal to retain a large gazebo built in situ at the corner of South Mill and West Maxwell in Lexington, KY. It is imperative for you to deny Mr. Freisberg’s request for the following reasons.

1. Mr. Freisberg is the owner of Dudley Square and in his ownership he is fully aware of the H1 zoning overlay at 372-380 South Mill Street for the South Hill Historic District. Yet, showing blatant disregard, he proceeded to build an enormous gazebo on a prominent corner of his property without approval from the Board of Architectural Review.
2. The policies and procedures for the H-1 overlay are firmly established in Article 13 of the Zoning Ordinance.  
*13-7(a) WHERE REQUIRED – **A Certificate of Appropriateness shall be required prior to the initiation of any new construction on, any exterior change to, or the demolition of all, or any part of, any building, structure or sign on any premises in a zone protected by an H-1 overlay.***
3. The Design Guidelines, adopted in 2008 after extensive review and public comment, clearly state:  
*7. Landscape Elements – Pools, Hot Tubs, **Gazebos**, Pergolas  
A. Should not be visually intrusive or suggest a false sense of history.  
B. Open space should only be developed in scale, use and character with the site and the local historic district.*

The staff of the Urban County Government's Division of Planning recommends disapproval of this matter to you.

The Blue Grass Trust asks the members of the Planning Commission to stand behind Article 13 of the Zoning Ordinance, the Design Guidelines and the standard of care established for the 14 Historic Districts in Lexington. Do not allow yourselves to debate the merits of gazebos, but rather, hold firm and stand for policy set by your predecessors and adhered to by the vast number of property owners living in those designated historic districts. We respectfully ask you to deny this appeal.

Respectfully submitted,



Linda Carroll, President

Copy to: Blue Grass Trust for Historic Preservation Board Members and Advisory Committee Members and Council member Diane Lawless