

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

October 27, 2017

- I. **ATTENDANCE** - The Chair will call the meeting to order at 1:30 p.m. in the Council Chambers, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The Chair will announce that the minutes of the September 29, 2017 meeting will be considered at this time.
- III. **PUBLIC HEARING ON ZONING APPEALS**
 - A. **Sounding the Agenda** - In order to expedite completion of agenda items, the Chair will sound the agenda in regard to any postponements, withdrawals, and items requiring no discussion.
 1. **Postponement or Withdrawal of any Scheduled Business Item** - The Chair will announce that any person having an appeal or other business before the Board may request postponement or withdrawal of such at this time.
 - B. **Transcript or Witnesses** - The Chair will announce that any applicant or objector to any appeal before the Board is entitled to have a transcript of the meeting prepared at his expense and to have witnesses sworn.
 - C. **Variance Appeals**
 1. **PLN-BOA-17-00072: BRUCE KUNTZ** - requests a variance to reduce the required side yard from 8 feet to 0 feet in order to expand an existing accessory garage in a Single Family Residential (R-1C) zone, at 2508 Windsor Court (Council District 10).

The Staff Recommends: **Approval of a variance to reduce the required side yard from 8 feet to 18 inches**, for the following reasons:

- a. Granting a lesser variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity, as 18" would provide needed space to facilitate construction and future maintenance.
- b. The applicant did not provide information justifying the need for the variance (aside from the fact that the existing garage has a 0' setback), nor are there apparent special circumstances that justify the need for the variance that has been requested (i.e., to zero feet).
- c. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project by requesting the variance prior to starting construction.
- d. The recommended variance should not create a hardship for the applicant, as there is still adequate space to construct an addition of the desired size, which should be usable in conjunction with the existing garage space.
- e. Requiring the addition to be totally compliant would create an awkward alignment and would limit connectivity between the existing structure and proposed addition.

This recommendation of approval is made subject to the following conditions:

1. The garage addition shall be constructed with a minimum side setback of 18 inches.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to construction.

2. **PLN-BOA-17-00073: THE HUB AT LEXINGTON** - requests a variance to reduce the number of required parking spaces by 21% (from 210 spaces to 166 spaces) within the defined Infill & Redevelopment Area in a Neighborhood Business (B-1) zone, at 500 S. Upper Street & 519 Jersey Street (Council District 3).

The Staff Recommends: **Approval**, for the following reasons:

- a. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The property is located within the defined Infill & Redevelopment Area where parking variances of up to 50% may be granted. The applicant is asking for a relatively modest reduction. The general vicinity has adequate pedestrian facilities, including walk signals and crosswalks, and public transportation is available.
- b. The special circumstances that justify the variance are the location of the development and the type of user expected. The development is in a very pedestrian and bike-friendly area, adjacent to the University of Kentucky campus. The typical user will be associated with the University and will likely walk to school or work and take advantage of the amenities that are within walking distance.
- c. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

This recommendation of approval is made subject to the following conditions:

1. The development shall be constructed in accordance with the approved Final Development Plan, or as that plan is amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
 2. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
 3. Action of the Board shall be noted on the Final Development Plan for the subject property.
3. **PLN-BOA-17-00074: SOUTH ELKHORN VILLAGE SHOPPING CENTER** - requests a variance to increase the height of a shopping center identification sign from 20 feet to 40 feet in a Planned Shopping Center (B-6P) zone, at 4379 Old Harrodsburg Road (Council District 10).

The Staff Recommends: **Approval**, for the following reasons:

- a. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. Contextually, the requested signage is not out of scale or overwhelming due to the location of the shopping center, which is at a significantly lower elevation than Harrodsburg Road.
- b. The configuration of the site is a special circumstance that justifies approval of the variance. In fact, the increased size and height of the sign may actually contribute to the safety of motorists traveling in the area.

This recommendation of approval is made subject to the following conditions:

1. The proposed signage shall be established in accordance with the submitted application and site plan.
2. All necessary permits for signage shall be obtained from the Division of Building Inspection.

4. **PLN-BOA-17-00075: CHRISTINE WESTOVER** - requests a variance to reduce the minimum side street yard from 20 feet to 0 feet in order to create an off-street parking area within the defined Infill & Redevelopment Area in a Planned Neighborhood Residential (R-3) zone, at 527 Goodloe Street (Council District 1).

The Staff Recommends: **Approval**, for the following reasons:

- a. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The parking area will utilize an existing curb cut on Warnock Street and will create a safe parking area for the residents.
- b. The special circumstance that affects this property is that there is no existing garage or driveway; and residents must park on the street, which can be hazardous to both the parked car and local traffic due to the property's location at an intersection.
- c. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project by applying for the variance prior to initiating the work.

This recommendation of approval is made subject to the following conditions:

1. The parking area shall be constructed in the location shown on the submitted site plan, utilizing the existing curb cut, and shall extend 18' into the property in order to insure that vehicles will not overhang the sidewalk.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to construction of the parking area.

D. Conditional Use Appeals

1. **PLN-BOA-17-00071: CENTER POINT CHURCH** – requests a conditional use permit to establish a church in an existing building in a Highway Service Business (B-3) zone, at 163 Old Todds Road (Council District 7).

The Staff Recommends: **Approval**, for the following reasons:

- a. The proposed use should not adversely affect the subject or adjoining/nearby properties. Adjoining or nearby land uses are of a commercial nature and are not likely to be disturbed by typical church activities. The church's highest parking needs are during the off-hours of the nearby commercial entities and should not overlap; therefore, adequate parking is available for the proposed use.
- b. All necessary public services and facilities are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The church shall be established in accordance with the submitted application and site plan.
2. All necessary permits, including a Zoning Compliance Permit and a Certificate of Occupancy, shall be obtained prior to the commencement of this use.

- IV. **BOARD ITEMS** - The Chair will announce that any items a Board member wishes to present will be heard at this time.
- V. **STAFF ITEMS** - The Chair will announce that any items a Staff member wishes to present will be heard at this time.
 - a. Possible discussion of alternative Board of Adjustment meeting days.
- VI. **NEXT MEETING DATE** - The Chair will announce that the next meeting date will be November 17, 2017.
- VII. **ADJOURNMENT** - If there is no further business, the Chair will declare the meeting adjourned.