

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

July 9, 2018

I. **CALL TO ORDER** - The Chair will call the meeting to order at 1:00 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 June 11, 2018 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.

B. **Swearing of Witnesses** - The Chair will announce that any applicant or objector to any appeal before the Board who plans to speak will be sworn in at this time.

C. **Variance Appeals**

1. **PLN-BOA-18-00042: ETHINGTON & ETHINGTON** – requests variances to: 1) increase the maximum front yard setback from 20 feet to 215 feet in order to construct a building on Lot 2; and 2) to increase the maximum front yard from 20 feet to 195 feet in order to construct two buildings on Lot 3 in the B-1 portion of a property that is split-zoned B-1, R-1T & R-1D (Neighborhood Business, Townhouse Residential and Single Family Residential), at 4235 Harrodsburg Rd. (Council District 10).

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

- a. Approval of the variance will not alter the character of the vicinity. Several of the commercial properties in this area on the north side of Harrodsburg Road have similar setbacks to accommodate parking, and a similar variance was approved last year for Lot 1, at the corner of Madrone Way and Harrodsburg Road.
- b. The row of townhouses behind these commercial buildings fronts on the back side of these buildings. Strict application of the Zoning Ordinance would likely result in parking to the rear of the commercial buildings, between them and the townhouses. Based on this configuration, the variance will allow for a more pedestrian friendly design and better interaction between the townhouses and commercial uses.

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

1. The buildings 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. The dumpster shown on the patio between Buildings A and B shall be relocated, or eliminated.
2. All necessary permits shall be obtained from the Divisions of Planning, Engineering, and Building Inspection prior to construction and occupancy.
3. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
4. Action of the Board shall be noted on both the Final Development Plan and the Final Record Plat for the subject property.

2. **PLN-BOA-18-00045: ADAM CRUSOTT** – requests a variance to reduce the required side street yard from 30 feet to 13 feet in order to expand the existing residence in a Two Family Residential (R-2) zone, within the defined Infill and Redevelopment Area, at 1820 Nicholasville Rd. (Council District 4).

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

- a. Granting the variance should not negatively affect the character of the surrounding neighborhood. The subject property is located at a transition between the P-1 zoning to the north and the residential neighborhood. Hiltonia Park is a boulevard, and the landscaped island acts as an additional buffer between the two zones. A significant portion of the structure already has a 13' setback.
- b. The special circumstance that is unique to this property and justifies the variance is the shape of the lot, which is somewhat narrow and deep. Without the requested variance, the buildable area of the lot would be limited to approximately half of the width of the lot due to the side-street side yard setback of 30'.
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The applicant is going through the appropriate processes and has applied for the variance prior to commencing construction.

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

1. The addition shall be constructed in accordance with the submitted site plan and application materials.

2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning and Building Inspection, prior to construction and occupancy.
 3. An administrative action plat, reflecting action of the Board, shall be submitted for staff approval within 30 days of Board action.
3. **PLN-BOA-18-00046: MICHELLE MOREHEAD** – requests a variance to reduce the required front yard setback from 30 feet to 22 feet in order to expand the existing residence in a Single Family Residential (R-1C) zone, at 2120 Island Drive (Council District 5).

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

- a. Granting the variance should not affect the character of the surrounding neighborhood. The reorientation of the garage and reduction in the driveway width should improve the overall appearance of the property.
- b. The variance, which will allow construction on the front portion of the house, is for the purpose of preserving a view of the lake, which constitutes a special circumstance.
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The applicant is going through the appropriate processes and has applied for the variances prior to commencing construction.

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

1. The addition shall be constructed in accordance with the submitted site plan and application materials.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning and Building Inspection prior to construction and occupancy.
3. The existing pavement leading to the front entry garage shall be removed upon completion of the new driveway, and replaced with grass or other landscaping.

4. **PLN-BOA-18-00047: CHAUNCEY MORRIS & CELINA MAGANA** – request a variance to reduce the required side yard setback from 8 feet to 5 feet in order to expand the existing residence in a Single Family Residential (R-1C) zone, within the defined Infill and Redevelopment Area, at 1824 McDonald Ave. (Council District 4).

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

- a. Granting the variance should not negatively affect the character of the surrounding neighborhood. The new addition maintains the side building line of the existing structure and should not be noticeable from the street.
- b. The special circumstance that is unique to this property and justifies the variance is the configuration of the existing house on the lot. The house was constructed with the front building line parallel to the front lot line. Since the side lot line is not perpendicular to the front lot line, a condition is created resulting in the need for the variance.
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The average side yard setback is quite close to meeting the averaging provisions of Article 15-2(b)(6), which would permit the addition without the need for a variance. The applicants are going through the appropriate processes and have applied for the variances prior to commencing construction.

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

1. The addition shall be constructed in accordance with the submitted site plan and application materials (with the understanding that the existing driveway may be relocated to the opposite side of the home).
2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning and Building Inspection.

5. **PLN-BOA-18-00049: LEXINGTON REMODELING SERVICES** – requests a variance to reduce the required setback for a covered projection from 4 feet to 3 feet in order to construct an attached carport in a Single Family Residential (R-1C) zone, at 517 McCubbing Drive (Council District 11).

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

- a. Granting the variance should not negatively affect the character of the surrounding neighborhood. The new addition maintains the side building line of the existing structure and will be open and unenclosed.
- b. The special circumstance that is unique to this property and justifies the variance is the configuration of the existing house and driveway on the lot. The existing driveway and setback of the house make it impossible to construct a compliant covered parking area. Even if the driveway were to be relocated to the other side of the house, a variance would likely still be required to construct an attached carport.
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The applicant is going through the appropriate processes and has applied for the variance prior to commencing construction.

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

1. The addition shall be constructed in accordance with the submitted site plan and application materials.

2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning and Building Inspection prior to construction and use.
3. The carport shall remain open and unenclosed.

D. **Conditional Use Appeals**

1. **PLN-BOA-18-00048: SAMIR GANDHI** – requests a conditional use permit to establish an Extended Stay hotel in a Professional Office (P-1) zone, at 209 Ruccio Way (Council District 9).

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

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. This use should be compatible with the surrounding uses. The property is located near amenities such as convenient shopping, restaurants, and recreational facilities that will likely complement this type of use.
- b. Negative traffic impacts are unlikely and sufficient parking will be provided on the subject property.
- c. All necessary public facilities and services are available and adequate for the proposed use.

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

1. The extended-stay hotel shall be constructed and operated in accordance with the submitted site plan and application materials.
2. All necessary permits shall be obtained from the Divisions of Planning, Engineering, and Building Inspection prior to construction and occupancy.
3. The parking lot shall be paved, with spaces delineated, and landscaped/screened according to the provisions of Articles 16 and 18 of the Zoning Ordinance.
4. Action of the Board shall be reflected on the Final Development Plan for the property.

- 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.
- VI. **NEXT MEETING DATE** - The Chair will announce that the next meeting date will be August 13, 2018.
- VII. **ADJOURNMENT** - If there is no further business, the Chair will declare the meeting adjourned.