

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

March 11, 2019

- I. **CALL TO ORDER** - 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 February 11, 2019 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-19-00008: DAVID KING** – request for variances to: 1) reduce the required front yard from 20 feet to 12 feet; and 2) to increase the allowable height of a building from 24 feet to 28 feet in order to construct a single family residence within the defined Infill & Redevelopment area in a Planned Neighborhood Residential (R-3) zone, at 673 North Martin Luther King Blvd. (Council District 1).

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

- a. The requested variances should not have adverse effects on the public health, safety, or welfare, and should not alter the character of the general vicinity. This block of North Martin Luther King Boulevard is characterized by a variety of building styles and heights, and the properties on either side of the subject property have been granted similar height and yard variances.
- b. The requested variances for the front yard and building height are generally reasonable. The variances will allow the applicant to build a new single family residence, which will replace the residential structure that had existed there previously.
- c. The variance requests do not attempt to circumvent the provisions of the Zoning Ordinance. The applicant is going through the appropriate process and has applied for the variances prior to commencing construction.

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

1. The building shall be constructed in accordance with the submitted application and site plan, including the rendered elevation shown on the site plan.
 2. All necessary permits and/or approvals shall be obtained from the Division of Building Inspection, prior to construction and occupancy.
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2. **PLN-BOA-19-00009: LEXINGTON HABITAT FOR HUMANITY** – requests a variance to reduce the required side yard setback from 8 feet to 3 feet in order to construct a single family residence within the defined Infill & Redevelopment Area in a Planned Neighborhood Residential (R-3) zone, at 230 East Sixth Street (Council District 1).

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

- a. The special circumstance that justifies the need for the variance is the 15' storm sewer easement, which runs through the center of the property. The easement limits the buildable frontage of the lot to less than 35'. A property within the Infill & Redevelopment area with 24' to 35' of lot frontage would only be required to have a 3-foot side yard, so granting the requested variance is generally reasonable.
- b. Granting the variance should not have an adverse effect on the character of the general vicinity, as many of the houses on this portion of East Sixth Street have very narrow side yards.
- c. Granting the variance will not allow an unreasonable circumvention of the Zoning Ordinance. The applicant is going through the appropriate process and has applied for the variance prior to commencing construction. Additionally, the variance will allow the applicant to utilize a currently vacant lot within the defined Infill & Redevelopment area for needed housing.

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

1. The property shall be developed in accordance with the submitted application materials and site plan.
2. All necessary permits and/or approvals shall be obtained from the Division of Building Inspection.

3. **PLN-BOA-19-00010: RANDY & SHARON GRAY** – request for variances to reduce the required side yard setbacks from 3 feet to 0 feet in order to allow a fence to remain as constructed within the required side yard between the principal structure and the side property lines in a Planned Neighborhood Residential (R-3) zone, at 916 Quarter Horse Ct. (Council District 10).

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

- a. While it is disconcerting that a permit was not acquired when the applicant decided to expand the fence, and that a variance was not requested prior to construction, the requested variances should not have adverse effects on the public health, safety, or welfare. The new fence encloses the existing crawl space and air conditioning units, and does not change access to the house.
- b. Granting the variances should not alter the character of the general vicinity. Based on aerial photography there appear to be a number of houses in the general vicinity with similar side yard fencing.

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

1. The applicant shall submit as-built drawings to the Division of Building Inspection in order to obtain a fence permit within 30 days of Board action.

4. **PLN-BOA-19-00014: GALE AND THOMAS WILLIAMS** – request a variance to reduce the required setback from an alley for an accessory structure to 4 feet in order to construct a new carport within the defined Infill & Redevelopment Area in a High Density Apartment (R-4) and Historic District Overlay (H-1) zones, at 620 West Short Street (Council District 2).

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

- a. Granting the requested variance should not adversely affect the public health, safety, or welfare, nor alter the character of the general vicinity. The carport will be situated along Klair Alley, similar to other garages and accessory structures located at the rear of properties. These are common in the Historic Western Suburb Neighborhood.
- b. The existing development pattern of similar structures along Klair Alley is a special circumstance that contributes to justifying the need for the requested variance.
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The applicants are going through the appropriate process and have applied for the variances prior to commencing construction.

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

1. The carport shall be constructed in accordance with the submitted application and site plan.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection and Historic Preservation (and/or the Board of Architectural Review) prior to construction and occupancy.

D. Conditional Use Appeals

1. **PLN-BOA-19-00005: THE PENINSULA** – requests a conditional use permit for a private club in order to construct a clubhouse in a High Density Apartment (R-4) zone, at 440 Squires Rd. (Council District 7).

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

- a. The proposed use should not have adverse effects on the subject or surrounding properties. The clubhouse and outdoor recreational facilities will provide a desirable service to residents of the development.
- b. 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 proposed clubhouse and outdoor recreational facilities shall be constructed in accordance with the submitted application materials and site plan, with site plan revisions allowed as required by the Division of Traffic Engineering or as revised by the Planning Commission on an amended Final Development Plan.
 2. There shall be no amplification of outdoor live music.
 3. Any pole lighting for the parking lot or outdoor recreational area shall be of a shoebox (or similar) design, with light directed downward to avoid disturbing any adjoining residential properties.
 4. All necessary permits shall be obtained from the Divisions of Planning, Building Inspection, and Engineering prior to construction and occupancy.
3. **PLN-BOA-19-00013: ANABASIS, LLC.** – requests a conditional use permit for a non-commercial swimming pool in a High Density Apartment (R-4) zone, at 2750 Meadowsweet Lane. (Council District 12).

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

- a. The proposed use should not have adverse effects on the subject or surrounding properties. The swimming pool facilities will provide a desirable service to residents of the development, without risk from noise or other disturbances.
- b. 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 proposed swimming pool and bath house shall be constructed in accordance with the submitted application materials and site plan, with site plan revisions allowed as required by the Division of Traffic Engineering or as revised by the Planning Commission on an amended Final Development Plan.
2. Any pole lighting for the parking lot or swimming pool area shall be of a shoebox (or similar) design, with light directed downward to avoid disturbing any adjoining residential properties.
3. All necessary permits shall be obtained from the Divisions of Planning, Building Inspection, and Engineering prior to construction and occupancy.

E. **Administrative Reviews**

None to be heard.

- IV. **BOARD ITEMS** - The Chair will announce that any items a Board member wishes to present will be heard at this time.

None to be heard.

- 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 April 8, 2019, at 1:30 p.m.

- VII. **ADJOURNMENT** - If there is no further business, the Chair will declare the meeting adjourned.