

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

January 10, 2022

- 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 from the December 13, 2021 meeting will be considered at this time.

III. **PUBLIC HEARING ON ZONING APPEALS**

- A. **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.
- B. **Sounding the Agenda** - In order to expedite completion of agenda items, the Chair will sound the agenda with regard to any postponements, withdrawals, and items requiring no discussion.

C. **Variance Appeals**

1. **PLN-BOA-21-00066: HPI PRESERVE LLC** – requests a variance to increase the allowable height of a fence in a front yard from 4' to 6.75' in order to allow components of a front yard fence (vehicular gate and columns) to exceed the 4-foot height maximum in a High Density Apartment (R-4) zone, on property located at 845 Red Mile Rd. (Council District 11)

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

- The applicant has not provided a sufficient justification to meet the requirements of Article 7 of the Zoning Ordinance or KRS 100.243. There do not appear to be special circumstances that are unique to the subject property that do not generally apply to land in the general vicinity, or in the same zone that justify the need for the variance. Four-foot tall fences, including all components, such as columns and gates are typical across residential zones.
- The applicant has not provided sufficient information to determine that strict enforcement of the Zoning Ordinance will result in an unnecessary hardship or deprive the applicant of the reasonable use of their land. Columns and gates with a maximum height of four feet could be installed in this location and would provide a similar aesthetic value and level of security.

D. **Conditional Use Appeals**

1. **PLN-BOA-21-00072: YAHUAH'S** – requests a conditional use to establish a personal care facility in a Planned Neighborhood Residential (R-3) zone, on property located at 2813 Snow Rd. (Council District 5)

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

- Approval of the proposed conditional use should not adversely affect the subject or adjoining/nearby properties, provided that the required off-street parking is available and that all necessary permits and approvals are secured prior to occupancy.
- All necessary public services and facilities are or will be available and adequate for the proposed use.

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

- The property shall be developed and operated in accordance with the submitted application materials and site plan, subject to any alterations to the parking area required throughout the permitting process.
- All necessary permits and/or approvals shall be obtained from the Divisions of Planning and Building Inspection, as well as necessary state agencies, prior to occupancy.
- Any alterations to the parking area shall be subject to review and approval by the Division of Traffic Engineering.

E. **Administrative Appeals**

1. **PLN-BOA-21-00070: RYAN DAWSON** – requests an administrative appeal to allow for construction of an in-ground swimming pool accessory to a non-conforming single family dwelling unit located within the B-1 zone on split-zoned property in Neighborhood Business (B-1)/Agricultural Rural (A-R) zones, located at 8660 Tates Creek Rd. (Council District 12)

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

- a. This request does not represent a circumvention of the provisions of the Zoning Ordinance. The construction of the accessory pool, as proposed, will not result in an increase in the size or scope of the property's non-conforming residential use.
- b. This request will not have an adverse effect on the public health, safety, or welfare; nor on the existing or further development of the surrounding area, because the proposed pool will be located to the rear of the principal structure, where it will be screened from view from adjacent properties, as well as the public right-of-way.

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

1. All necessary permits and/or approvals shall be obtained from the Division of Building Inspection prior to construction.
2. **PLN-BOA-21-00071: ECTON FARM LLC** – requests an administrative review to determine whether the Division of Planning made an error in their decision to not accept an additional application related to a previously approved conditional use, the issuance of which has been appealed and is currently being litigated in the Court of Appeals, in an Agricultural Rural (A-R) zone, on property located at 7524 Old Richmond Rd. (Council District 12)

Staff will report at the meeting.

- 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 February 14, 2022 at 1:30 p.m. in the Council Chambers at 200 E. Main St.
- VII. **ADJOURNMENT** - If there is no further business, the Chair will declare the meeting adjourned.