

MINUTES FOR THE BOARD OF ADJUSTMENT MEETING

February 14, 2022

- I. **CALL TO ORDER** – Acting Chair Branden Gross called the meeting to order at 1:30 p.m. **via video teleconference**, from the Division of Planning, 7th Floor, 101 E. Vine St., Lexington, KY 40507.
- II. **ATTENDANCE** – Members present were: Branden Gross, Harry Clarke, Raquel Carter and Chad Walker. Joan Whitman arrived late. Thomas Glover and Chad Needham were absent. Others present were: Tracy Jones, Department of Law. Planning staff members present were: Traci Wade, Autumn Goderwis, Daniel Crum, Stephanie Cunningham and Donna Lewis.
- III. **APPROVAL OF MINUTES** – There were no minutes to approve at this time.

IV. **PUBLIC HEARING ON ZONING APPEALS**

- A. **Swearing of Witnesses** – Mr. Gross stated he would administer the oath to anyone wishing to speak prior to that application being heard.
- B. **Sounding the Agenda** - In order to expedite completion of agenda items, Mr. Gross sounded the agenda with regard to any postponements, withdrawals, and items requiring no discussion.

Ms. Goderwis advised the Board that Mr. Richard Murphy, attorney for the applicant for **PLN-BOA-22-00003: BLUEGRASS CARE NAVIGATORS**, had submitted a letter of withdrawal on behalf of the applicant earlier that day. Therefore, that application would not be heard.

C. **Abbreviated Hearing**

1. **PLN-BOA-22-00001: ROOD & RIDDLE PARTNERS** – requested to amend an existing conditional use in order to construct a new storage building and covered exercise arena at an equine hospital in an Agricultural Urban (A-U) zone, on property located at 2150 Georgetown Rd. (Council District 2)

The Staff Recommended: Approval, for the following reasons:

- Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. This is a well-established equine hospital with numerous facilities on the 23-acre site.
- The proposed storage building will be screened from view from the adjacent residential properties by existing vegetation along the northeast property line.
- All necessary public and private services are available and adequate for the proposed use.

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

- The project shall be completed in accordance with the submitted application materials and site plan.
- All necessary permits and approvals shall be obtained from the Divisions of Planning, Building Inspection, and Engineering prior to construction.

Representation – Mr. Jeff Pearson, Pearson and Peters Architects, was present via video teleconference, on behalf of the applicant. Mr. Pearson indicated that the applicant had read the conditions in the staff report and agreed to abide by the conditions in preparation of their project. Also present via video teleconference were Dr. Bill Rood and Dr. Alan Ruggles, Rood & Riddle Partners.

There were no questions from the Board regarding this application and no one present in the audience via video teleconference who wished to speak in favor of, or in opposition to this application. Mr. Gross stated he would entertain a motion.

Action – A motion was made by Mr. Clarke, seconded by Ms. Carter and carried 4-0 (Ms. Whitman was not present at this time; Mr. Glover and Mr. Needham absent), to **approve PLN-BOA-22-00001: ROOD & RIDDLE PARTNERS** – request to amend an existing conditional use in order to construct a new storage building and covered exercise arena at an equine hospital in an Agricultural Urban (A-U) zone, on property located at 2150 Georgetown Rd., based on staff's recommendation and subject to the two conditions as listed.

2. **PLN-BOA-22-00002: GME ENTERPRISES** – requested a conditional use for a home-based business (individual physical therapy sessions) in a Single Family Residential (R-1C) zone, on property located at 606 Lane Allen Rd. (Council District 10)

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties, as it should not create disturbing levels of traffic, noise, or odors. Adequate off-street parking is available.
- b. All necessary public facilities and services are available and adequate for the proposed use.

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

1. The home-based business (Physical Therapy) shall be operated in accordance with the submitted application materials and site plan, with appointments only on an individual basis.
2. All necessary permits including a Zoning Compliance Permit and a Certificate of Occupancy shall be obtained from the Divisions of Planning and Building Inspection prior to initiation of the use.
3. The conditional use shall become null and void should the applicant no longer reside at this location.

*Note – Ms. Whitman joined the meeting, via video teleconference, at this time.

Representation – Ms. Grace Miller, applicant and property owner, was present via video teleconference on behalf of her application for this home-based business. Ms. Miller introduced herself and stated that she had read over the conditions listed in the Staff Report and agreed to abide by them.

There were no questions from the Board regarding this application and no one present in the audience via video teleconference who wished to speak in favor of, or in opposition to this application. Mr. Gross stated he would entertain a motion.

Action – A motion was made by Ms. Carter, seconded by Mr. Clarke and carried 5-0 (Glover and Needham absent), to **approve PLN-BOA-22-00002: GME ENTERPRISES** – request for a conditional use for a home-based business (individual physical therapy sessions) in a Single Family Residential (R-1C) zone, on property located at 606 Lane Allen Rd., based on staff's recommendation and subject to the three conditions as listed.

Question after the vote – Ms. Miller asked about the process of obtaining a Zoning Compliance Permit and Certificate of Occupancy. Ms. Goderwis replied that Ms. Miller would need to apply with the Division of Building Inspection for her Certificate of Occupancy and that would include approval for a Zoning Compliance Permit.

- IV. **BOARD ITEMS** – Mr. Gross announced that the Board had neglected to elect officers last month. Rather than have the election this month with two Board members absent, Mr. Gross suggested the election be held in March.

- V. **STAFF ITEMS** – Ms. Wade announced that Ms. Goderwis had recently received a promotion to Administrative Officer within the Division of Planning, and her daily duties had been changing gradually. Ms. Wade continued, stating that the Division of Planning had hired a new Senior Planner, Meghan Jennings, who would be working with the Board of Adjustment. She added that Ms. Jennings had previously worked in the Division of Planning, first as an intern and later as a Planning Technician, prior to leaving to obtain her Master's Degree. Ms. Wade assured the Board that Ms. Goderwis would remain within the Division of Planning and able to assist the Board with any questions they may have in the meantime.

Ms. Wade also noted that the agenda stated that the next Board meeting is scheduled to be held via video teleconference and that is currently still the plan, due to having already received notification letters stating such with the filings for the March meeting. She added that the April meeting is scheduled to be back to in-person in Council Chambers.

- VI. **NEXT MEETING DATE** – Mr. Gross announced that the next meeting date will be March 14, 2022 at 1:30 p.m. **via video teleconference.**

- VII. **ADJOURNMENT** - As there was no further business, Mr. Gross declared the meeting adjourned at 1:47 p.m.

Thomas Glover, Chair

Joan Whitman, Secretary

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