

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

March 14, 2022

I. CALL TO ORDER - The Chair will call the meeting to order at 1:30 p.m. **via video teleconference.**

The media and public may view the hearing on LexTV Spectrum channel 185, MetroNet channel 3, Windstream channels 3 and 20, or via live stream at the following link:

http://lfucg.granicus.com/MediaPlayer.php?publish_id=12

Please utilize the following information to participate in this public hearing:

<https://zoom.us/join>

Webinar ID: 812 0757 9915

Password: 751029

<https://us06web.zoom.us/j/81207579915?pwd=aHVwZEYrck9JeEVyd1Z3V1VLVGVIz09>

Call in Number
+1 (929) 436-2866

II. APPROVAL OF MINUTES – The Chair will announce that the minutes from the January 10, 2022 and the February 14, 2022 meetings 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-22-00006: CARTER AND KATHERINE SCHUMACHER** – request a variance to increase the allowable height of a fence in the front yard from 4' to 5' in a Single Family Residential (R-1B) zone, on property located at 300 Strathmore Rd.. (Council District 6)

The Staff Recommends: Disapproval, for the following reasons:

- a. 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 are typical across residential zones.
- b. 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. Fencing at the applicant's proposed height could be installed within the rear yard and side yard, up to the front wall plane of the home without the need for a variance.

D. Conditional Use Appeals

1. **PLN-BOA-22-00004: ANGELA SHAW** – requests a conditional use to establish a family childcare for up to 12 children in a Single Family Residential (R-1C) zone, on property located at 3450 Wallingford Ct. (Council District 9)

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

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties. The applicant's proposed hours of operation should be compatible with the residential neighborhood, and are more limited than the hours previously approved under the 2004 Conditional Use Permit at this location. The use will not involve any modifications or expansions to the existing structure, and sufficient site improvements have been made to accommodate the increased parking requirements generated by the larger use.
- 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. Childcare for up to 12 children shall be provided in accordance with the submitted application materials and site plan.
 2. The total number of non-resident employees on the property shall be limited to two in accordance with the submitted application materials.
 3. During hours of operation, visitors to the property shall be limited to residents of the dwelling, employees, and individuals picking up or dropping off children.
 4. 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 childcare use beyond 6 children.
 5. The use shall at all times operate in compliance with the regulations of the Kentucky Cabinet for Health and Family Services.
 6. The conditional use shall become null and void should the applicant no longer reside at this location.
2. **PLN-BOA-22-00005: STEPWORKS RECOVERY CENTER** – requests a conditional use to establish a rehabilitation home within 500 feet of a residential zone, on property in a Professional Office (P-1) zone, located at 2240 Gulfstream D. (Council District 10)

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

- a. The proposed rehabilitation home should not adversely affect the subject or adjoining/nearby properties. The proposed rehabilitation home will utilize the existing facilities on-site, is screened from adjacent residential uses by significant landscape buffers, and should be similar in size, hours of operation, and intensity as the previous hospice use at this location.
- b. The proposed use should not create adverse traffic impacts, if directed to Greatstone Point exclusively. There is more than adequate parking available on the property and the proposed use should not generate more traffic than the previous use. By closing the Gulfstream access point, the traffic entering the site would not intermingle with the residential traffic for the Beaumont Woods subdivision.
- c. The proposed use will allow the applicant to utilize existing development in order to provide services that will promote the health and welfare of the community by providing a resource to address drug addiction and dependency. The existing structures are uniquely suited to this type of use due to their previous use as a hospice facility, and the arrangement of the two existing buildings is well suited to housing gendered populations.
- d. 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 rehabilitation home shall be conducted in accordance with the submitted application materials and site plan, to be revised to close the Gulfstream Drive access point.
2. 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.
3. Outdoor congregation areas, such as smoking areas, shall be limited to the middle of the site, away from adjacent properties.
4. The Gulfstream Drive access point shall be closed, and all pavement removed. The existing landscape buffer along Gulfstream Drive shall be extended to meet the vehicular use area screening requirements of Article 18-3(a)(2) of the Zoning Ordinance.

E. Administrative Appeals

There are no Administrative Appeals for consideration at this time.

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

A. Election of Officers – The Board's By-Laws state that officers shall be elected at the first regular meeting in

January of each year. The Board shall elect a Chairperson, a Vice-Chairperson and a Secretary. The election did not take place in January 2022, therefore it will occur at this meeting.

The current officers are:

Chairperson – Thomas Glover

Vice-Chairperson – Chad Needham

Secretary – Joan Whitman

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 11, 2022 at 1:30 p.m. in Council Chambers, 2nd Floor, 200 E. Main St., Lexington, KY 40507.

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