

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

April 11, 2022

- I. **CALL TO ORDER** - The Chair will call the meeting to order at 1:30 p.m.
- II. **APPROVAL OF MINUTES** – The Chair will announce that the minutes from the March 14, 2022 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-22-00007: KAREN E. AND MICHAEL PRUITT** – request a variance to reduce the required front yard setback from 150' to 107' in order to construct a new single-family dwelling unit in an Agricultural Rural (A-R) zone, on property located at 351 Canebrake Dr. (Council District 12)

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. While the creek does limit the ability of the applicant to use portions of the property for the proposed single-family use, there is sufficient buildable area northeast of the creek to accommodate the home as proposed without the need for a variance.
- The requested variance could have an impact on future development in the immediate vicinity by altering the existing and planned character of the general vicinity as there are several undeveloped lots remaining along this portion of Canebrake Drive and Canebrake Court with 150-foot platted building lines.
- 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. The proposed single-family residence could be constructed without a variance by shifting its location to the northern portion of the property.

2. **PLN-BOA-22-00008: ANITA KAY SEXTON**– requests a variance to reduce the required front yard setback from 65' to 25' in order to construct an addition to an existing single family dwelling unit in a Single Family Residential (R-1A) zone, on property located at 1843 Parkers Mill Rd. (Council District 10)

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

- Granting the variance should not adversely affect the public health, safety, or welfare of the general vicinity, nor alter the character of the general vicinity. The proposed addition should have little visual impact along the public right-of-way due to the abundant foliage and topography surrounding the subject property.
- The topography of the site is a special circumstance that is unique to the subject property and justifies the need for the variance.
- Strict application of the Zoning Ordinance would create an unnecessary hardship for the applicant due to the high costs associated with constructing an addition on steep slopes. Additionally, strict application would require an addition to be offset from the existing front wall plane, which would likely create design challenges in constructing a functional addition related to the existing interior configuration of the house.
- The granting of this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the applicant has applied for the necessary variance as soon as it was determined that it was needed, and prior to beginning construction.

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

1. Construction shall be in accordance with the submitted application materials and site plan, except for necessary changes to the proposed paving.
2. All necessary permits and/or approvals shall be obtained from the Division of Building Inspection prior to construction.

D. Conditional Use Appeals

There are no Conditional Use Appeals for consideration at this time.

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.

V. STAFF ITEMS - The Chair will announce that any items a Staff member wishes to present will be heard at this time.

A. Staff will provide informational presentations related to the Zoning Ordinance and recent Zoning Ordinance Text Amendments.

VI. NEXT MEETING DATE - The Chair will announce that the next meeting date will be May 9, 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.

For further information on these matters, or for persons with a disability who may need assistance in order to participate in the above meeting, please contact the Division of Planning, 101 E. Vine St., Lexington, KY, at 258-3160.

The media and public may view the hearing on LexTV Spectrum channel 185, MetroNet channel 3, or via live stream at the following link: http://lfucg.granicus.com/MediaPlayer.php?publish_id=12