

**AGENDA FOR THE BOARD OF ADJUSTMENT
MEETING**

February 13, 2023

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 January 9, 2023 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-22-00072: GIBSON TAYLOR THOMPSON ARCHITECTURE & DESIGN** – request a variance to reduce the required side street side yard for a deep building from thirty-one feet (31') to six feet and three inches (6' 3") in order to construct a two-story addition and porch to an existing single family residence within the defined Infill and Redevelopment Area and a Historic District Overlay (H-1) zone in a Two-Family Residential (R-2) zone, on property located at 172 Forest Avenue. (Council District 3)

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

- a. 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 request has received approval from the Board of Architectural Review, the proposed addition should have little visual impact on the surrounding properties as it is located on the rear of the structure, and other residences in the vicinity feature similar rear-additions.
- b. The restrictive size of the lot and the legally non-conforming setback of the existing structure are special circumstances that justify the need for the variance.
- c. 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 construction.

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

1. The addition shall be constructed in accordance with the submitted application materials and site plan.
2. All necessary permits and approvals shall be obtained from the Division of Building Inspection prior to completion of construction.

2. **PLN-BOA-23-00001: STEVE MILLER** – requests variances to 1) reduce the front yard setback from thirty feet (30') to twenty-one feet (21'), 2) to reduce the side street side yard setback from thirty feet (30') to eighteen feet (18'), and 3) increase the maximum number of parking spaces from two (2) to three (3) in order to construct a single family residence within the defined Infill and Redevelopment Area in a Single Family Residential (R-1D) zone, on property located at 147 Burley Avenue. (Council District 10)

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

- a. Granting the variances should not adversely affect the public health, safety, or welfare of the general

vicinity, nor alter the character of the general vicinity. The applicant's proposal is similar to existing setbacks in the surrounding area, and the extra requested parking space will help reduce demand for on-street parking in this area without detracting from the single-family residential character of the lot.

- b. The restrictive configuration of the lot is a special circumstance that justifies the need for the variances, as the lot is a narrow lot that is bound on multiple sides by existing roadways, and the narrow nature of the adjoining streets significantly limit the ability to utilize on-street parking.
- c. The granting of these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance as the applicant has applied for the variances as soon as it was determined that they were needed and prior to construction.

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

1. Construction shall be in accordance with the submitted application materials and updated site plan.
2. All necessary permits and approvals shall be obtained from the Division of Building Inspection prior to construction.

3. **PLN-BOA-23-00002: ANN THOMAS** – requests variances to 1) reduce the front yard setback from twenty feet (20') to eight feet (8'), 2) to reduce the rear yard setback from twenty feet (20') to twelve feet (12'), and 3) increase the maximum height of a building from twenty-four feet (24') to twenty-nine feet (29') in order to construct a single family home within the defined Infill and Redevelopment Area in a Planned Neighborhood Residential (R-3) zone, on property located at 545 Harry Street. (Council District 1)

The Staff Recommends: **Approval of a lesser variance for the reduced front yard setback to ten feet (10')** for the following reasons:

- a. 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. There are other structures along Harry Street with similar setbacks and the lesser variance will allow for safe backing out of vehicles from the proposed garage into the Harry Street right-of-way.
- b. The restrictive size of the lot is a special circumstance that justifies the need for the variance.
- c. 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 construction.

The Staff Recommends: **Approval for the reduced rear yard setback to twelve feet (12') and increased building height to twenty-nine feet (29')** for the following reasons:

- a. Granting the variances should not adversely affect the public health, safety, or welfare of the general vicinity, nor alter the character of the general vicinity. Several structures along Harry Street feature multiple stories and are of similar height to the proposed structure. The applicant's proposed rear yard setback is similar to existing setbacks in the surrounding area.
- b. The restrictive size of the lot is a special circumstance that justifies the need for the variance.
- c. The granting of the variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the applicant has applied for the necessary variances as soon as it was determined that it was needed and prior to construction.

These recommendations of approval are made subject to the following conditions:

1. Construction shall be in accordance with the submitted application materials and an amended site plan depicting a 10-foot front yard setback.
2. All necessary permits and approvals shall be obtained from the Division of Building Inspection prior to completion of construction.

4. **PLN-BOA-23-00003: GIBSON TAYLOR THOMPSON ARCHITECTURE & DESIGN** – request a variance to reduce the required rear yard setback from seventeen feet and four inches (17' 4") to eight feet and seven inches (8' 7") in order to construct additions to an existing single family residence within the defined Infill and Redevelopment Area and a Historic District Overlay (H-1) zone in a Planned Neighborhood Residential (R-3) zone, on property located at 519 Central Avenue. (Council District 3)

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

- a. 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 request has received approval from the Board of Architectural Review, the proposed addition should have little visual impact on the surrounding properties as it is located on the rear of the structure, and other residences in the vicinity feature similar rear-additions.

- b. The restrictive size of the lot and the legally non-conforming setback of the existing structure are special circumstances that justify the need for the variance.
- c. 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 construction.

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

1. The addition shall be constructed in accordance with the submitted application materials and site plan.
2. All necessary permits and approvals shall be obtained from the Division of Building Inspection prior to completion of construction.

5. **PLN-BOA-23-00004: KEITH JONES** – requests variances to 1) reduce the front yard setback from thirty feet (30') to ten feet (10'), 2) reduce the side street side yard setback from thirty feet (30') to five feet and eight inches (5' 8"), and 3) reduce the side yard setback from six feet (6') to three feet (3') in order to construct a duplex on property located within the defined Infill and Redevelopment Area in a Planned Neighborhood Residential (R-3) zone, on property located at 775 N. Upper Street. (Council District 1)

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

- a. 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 applicant's proposal is similar to existing setbacks in the surrounding area.
- b. The restrictive configuration of the lot is a special circumstance that justifies the need for the variance, as the lot is narrow and is bound on multiple sides by existing roadways and a rear alley.
- c. The granting of this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance as the applicant has applied for the variance as soon as it was determined that it was needed and prior to construction.

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

1. Construction shall be in accordance with the submitted application materials and updated site plan.
2. All necessary permits and approvals shall be obtained from the Division of Building Inspection prior to construction.

6. **PLN-BOA-23-00007: THOMAS & CHRISTINA PARRISH** – request a variance to increase the allowable floor area ratio (FAR) from 0.5 to 0.58 in order to construct a two-story accessory structure within the defined Infill & Redevelopment Area and a Historic District Overlay (H-1) zone in a Planned Neighborhood Residential (R-3) zone, on property located at 260 Clay Avenue. (Council District 5)

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

- a. Granting the requested variance will not represent an attempt to circumvent the Zoning Ordinance, but will meet the intent of the provisions of the Ordinance that allow for variances to FAR, as it will not create an opportunity for more units on the subject property than would be allowed by right.
- b. Granting the variance should not adversely affect the public health, safety, or welfare, nor alter the character of the general vicinity. A two-story garage located at the rear of the property will not have much, if any, impact on the appearance of the house from the public rights-of-way. Adjacent properties are configured similarly with detached garages close to the rear lot lines.
- c. The variance is generally reasonable, as the subject property is somewhat larger than many within the defined Infill and Redevelopment area and allowing some additional floor area on this particular lot will not result in construction that is out of character with the general vicinity. The Zoning Ordinance specifically states that BOA action may sometimes be required within the defined Infill and Redevelopment Area in order to facilitate appropriate development without creating an unusual hardship or development that is incompatible with the existing pattern of the neighborhood.

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.
2. All necessary permits and/or approvals shall be obtained from the Division of Building Inspection and the Historic Preservation Office prior to construction and occupancy.

7. **PLN-BOA-23-00008: AU ASSOCIATES** – request variances to reduce the front yard setback from twenty feet (20') to zero feet (0') and to reduce the side yard setback from five feet (5') to zero feet (0') in order to construct a multi-family dwelling in a Planned Neighborhood Residential (R-3) zone, on property located at 96 Codell Drive. (Council District 7)

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

- a. Granting the variances should not adversely affect the public health, safety, or welfare of the general vicinity as the proposed structure will be located 50 feet from the property line at 200 Alsab Court, and will be located 140 feet from the nearest structure within the development. The proposed structure will meet the required setbacks from the remaining portions of Codell Drive and Old Todds Road.
- b. Granting the requested variances should not have an adverse effect on the surrounding area as the applicant owns the only parcels that utilize the remnant right-of-way, as well as the property that adjoins the subject property's side yard. Once consolidated with the adjoining parcels and right-of-way, the proposed structure will comply with the current setbacks required for a group residential project in an R-3 zone.
- c. The unconventional shape of the subject property and adjoining remnant portions of Old Todd's Road right-of-way are special circumstance that significantly limit the ability of the applicant to utilize the property, and justifies the need for the variances.
- d. The granting of these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance, as the applicants applied for the variances prior to beginning construction.

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

1. The lot and structure shall be developed in accordance with the submitted application materials and site plan.
2. Action of the Board shall be noted on an amended Final Development Plan and the associated Final Record Plat.
3. All necessary permits and approvals shall be obtained from the Division of Building Inspection prior to construction.

8. **PLN-BOA-23-00010: SASSAFRAS OZ, LLC** – requests a variance to reduce the side yard setback from three feet (3') to one foot and two inches (1' 2") within the defined Infill and Redevelopment Area in a Two-Family Residential (R-2) zone, on property located at 762 Florence Ave. (Council District 2)

The Staff Recommends: **Approval of a lesser variance of one foot and six inches (1' 6")** for the following reasons:

- a. 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 structure will provide needed housing and infill a vacant lot within the neighborhood.
- b. The restrictive size of the lot and the encroaching structure from the immediately adjacent property are special circumstances that justify the need for the variance.
- c. 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 construction.

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

1. Construction shall be in accordance with the submitted application materials and an amended site plan reflecting the lesser variance.
2. All necessary permits and approvals shall be obtained from the Division of Building Inspection prior to construction.

9. **PLN-BOA-23-00012: SCOTT BOOK** – requests a variance to reduce the rear yard setback from twenty feet (20') to one foot and six inches (1' 6") and reduce the setback for an accessory structure where a corner lot adjoins in the rear a lot in any residential zone from twenty-seven feet (27') to twenty-five feet and nine inches (25' 9") in order to construct an accessory structure within the defined Infill and Redevelopment Area and a Historic District Overlay (H-1) zone in a Single Family Residential (R-1C) zone, on property located at 112 Wabash Drive. (Council District 10)

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

- a. Granting the variances should not adversely affect the public health, safety, or welfare, nor alter the character of the general vicinity. Detached garages of this size in rear yards are typical in the general

- vicinity and a similar garage existed on this portion of the property for a number of years prior to 2017.
- b. The granting of these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance as the applicant has applied for the variances as soon as it was determined that they were needed and prior to construction.
 - c. The platted “garage line” is a special circumstance that applies to the subject property and justifies the need for the variance, as “garage lines” were not commonly depicted on plats in other neighborhoods and its intent appears to have been interpreted inconsistently in the immediate vicinity.
 - d. The side street side yard variance is generally reasonable, as the request is minimal and the garage will be constructed less than two feet (2') closer to the street lot line than the principal structure on the adjoining lot.

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.
2. All necessary permits and/or approvals shall be obtained from the Division of Building Inspection and the Historic Preservation Office prior to construction and occupancy.
3. The applicant shall file an administrative action minor subdivision plat denoting action of the Board.

D. Conditional Use Appeals

1. **PLN-BOA-23-00005: JACKSON'S WINE & SPIRITS, LLC** – requests a conditional use for accessory drive-through facilities in order to construct a retail use within the defined Infill and Redevelopment Area in a Neighborhood Business (B-1) zone, on property located at 1406 & 1408 N. Limestone. (Council District 1)

The Staff Recommends: **Disapproval of the conditional use permit for accessory drive-through facilities**, for the following reasons:

- a. The proposed drive-through facility will adversely affect the surrounding properties, as the request places the proposed drive-through in closer proximity to the adjoining residential use at 102 Bermuda Ave. The proposed hours of operation would allow for vehicle stacking, with associated noise, lights, and emissions to impact existing single-family residential units within the immediate vicinity.
- b. The proposed drive-through will negatively affect pedestrian safety in the area, and will conflict with planned pedestrian infrastructure improvements along the N. Limestone corridor.
- c. The request is out of character with the N. Limestone corridor, between downtown and New Circle Road, where commercial development is more neighborhood oriented, and drive-through uses are not commonly found.
- d. The Central Sector Small Area Plan was adopted by the Planning Commission in 2009 and focuses on retaining the unique character of N. Limestone. The proposed drive-through is inconsistent with the recommendations of the Central Sector Small Area Plan, particularly those for Subarea D related to the desire for traditional neighborhood retail focused on serving residents of the Central Sector.

2. **PLN-BOA-23-00011: 28 LOUNGE** – requests a conditional use permit for a cocktail lounge and a variance to reduce the required setback from a residential zone from one-hundred (100) feet to sixty-three (63) feet within the defined Infill and Redevelopment Area and a Historic District Overlay (H-1) zone in a Neighborhood Business (B-1) zone, on property located at 287 S. Limestone. (Council District 3)

The Staff Recommends: **Approval of the conditional use**, for the following reasons:

- a. The proposed cocktail lounge should not adversely affect the subject or surrounding properties, as the subject property has functioned in a mixed-use capacity throughout much of its history.
- b. The general vicinity features a mix of commercial, residential, and professional healthcare uses, typical of a downtown area. The inclusion of conditions prohibiting outdoor speakers and outdoor live entertainment, as well as minimal amplification of other noise, should limit nuisances to the surrounding properties.
- c. All necessary public facilities and services are available and adequate for the proposed use.

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

- a. Granting the variance should not adversely affect the subject or surrounding properties, nor alter the character of the general vicinity, as the area features a mix of commercial, residential, and professional healthcare uses.
- b. The portion of the residentially-zoned property within 100-feet of the subject property functions as a

parking lot and is a unique circumstance as the closest residentially-zoned dwelling unit is over 100-feet away.

- c. 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 occupying the space.

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

1. The cocktail lounge shall be operated in accordance with the submitted application materials and site plan.
 2. Hours of operation shall be limited to 12:00 P.M. – 2:00 A.M., Monday-Saturday.
 3. Outdoor live entertainment and outdoor speakers are prohibited.
 4. A barrier on the outdoor stairwell to prevent access to the residential dwelling units on the upper floors of the structure shall be installed in accordance with Division of Fire and Emergency Services requirements.
 5. All necessary permits including a Zoning Compliance Permit shall be obtained from the Divisions of Planning and Building Inspection prior to initiation of the use.
 6. The conditional use shall become null and void should the applicant no longer operate at this address.
3. **PLN-BOA-23-00013: THE PADDOCK** – requests a conditional use permit for a cocktail lounge with indoor and outdoor live entertainment, and a variance to reduce the required setback from a residential zone from one-hundred (100) feet to thirty-five (35) feet within the defined Infill and Redevelopment Area in a Neighborhood Business (B-1) zone, on property located at 319 S. Limestone. (Council District 3)

The Staff Recommends: **Approval of the conditional use for a cocktail lounge**, for the following reasons:

- a. The proposed cocktail lounge should not adversely affect the subject or surrounding properties, as the subject property has functioned in a commercial capacity throughout much of its history. The general vicinity features a mix of commercial, residential, and professional healthcare uses, typical of a downtown area. In addition, there will be restrictions on outdoor live entertainment and outdoor speakers allowed as a part of this use.
- b. All necessary public facilities and services are available and adequate for the proposed use.

The Staff Recommends: **Approval of the variance for a cocktail lounge**, for the following reasons:

- a. Granting the variance should not adversely affect the subject or surrounding properties, nor alter the character of the general vicinity, as the area features a mix of commercial, residential, and university-related uses.
- b. Live entertainment will be limited to the interior of the cocktail lounge and located at least 90 feet from the nearest residential zone. Use of the courtyard for outdoor seating and gathering without live entertainment should not create a nuisance.
- c. The granting of this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the portion of the residentially-zoned property within 100 feet of the subject property functions as a parking lot and the closest residentially-zoned dwelling unit is over 100 feet away

These recommendations of approval are made subject to the following conditions:

1. The cocktail lounge shall be operated in accordance with the submitted application materials and site plan.
2. Hours of operation shall be limited to 12:00 P.M. – 2:00 A.M., Monday-Saturday.
3. The rear doors shall remain closed any time that indoor live entertainment is provided, and outdoor live entertainment and outdoor speakers are prohibited. Interior areas in which live entertainment is provided shall be sound-proofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
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 the expansion of the use.

The Staff Recommends: **Disapproval of the conditional use for outdoor live entertainment**, for the following reasons:

- a. The applicant has not provided sufficient evidence that the proposed outdoor live entertainment use will not adversely affect the subject or surrounding properties. The proposed outdoor live

- b. entertainment is not appropriate for the subject property due to the density of residential uses in the general vicinity.
- c. The proposed outdoor live entertainment will likely adversely affect the surrounding area as the subject property has existing issues with noise-related nuisances.

E. Administrative Appeals

1. **PLN-BOA-23-00009: FIRSTHAND CARE KY, INC.** – requests an administrative appeal to change one non-conforming use (offices) to another non-conforming use (adult day care center) in a Wholesale and Warehouse Business (B-4) zone, on property located at 2224 Young Drive. (Council District 5)

The Staff Recommends: Approval, for the following reasons:

- a. The requested change in non-conforming use from an office to an adult daycare center will not have an adverse effect on existing or future development of the subject or surrounding properties, as the use will be operated entirely indoors, no expansion to the building's footprint is proposed, nor are any changes to the exterior of the building.
- b. The requested change from an office use to an adult daycare center, will not be increase the non-conformity of the use in scope or area of its operation. The hours and days of operation, peak hours, and traffic patterns are similar to the office uses that preceded the proposed use at this location. In addition, the office use occupied the entirety of the structure when it was rezoned in 2004 and the proposed adult daycare center will also utilize the entire structure.
- c. 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 adult daycare center shall operate in accordance with the submitted site plan and application materials.
- 2. There shall be no exterior changes to the existing structure.
- 3. The use shall at all times operate in compliance with the regulations of the Kentucky Cabinet for Health and Family Services.
- 4. The adult daycare center shall be limited to a maximum of 99 clients.
- 5. 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 adult daycare use.

2. **PLN-BOA-23-00006: WHITETAIL HEAVEN OUTFITTERS** – requests an administrative appeal to contest the issuance of Notices of Zoning Violations by the Division of Building Inspection for recreational outfitters (commercial guided hunting) in an Agricultural Rural (A-R) zone, on property located at 5701 Jacks Creek Pike. (Council District 12)

*Note - The applicant has requested postponement of their application to the March 13, 2023 meeting of the Board of Adjustment. The Staff will finalize their recommendation prior to the meeting.

3. **PLN-BOA-23-00014: WHITETAIL HEAVEN OUTFITTERS** – requests an administrative appeal to contest the issuance of Notices of Zoning Violations by the Division of Building Inspection for recreational outfitters (commercial guided hunting) in an Agricultural Rural (A-R) zone, on property located at 5725 Jacks Creek Pike. (Council District 12)

*Note - The applicant has requested postponement of their application to the March 13, 2023 meeting of the Board of Adjustment. The Staff will finalize their recommendation prior to the meeting.

4. **PLN-BOA-23-00015: WHITETAIL HEAVEN OUTFITTERS** – requests an administrative appeal to contest the issuance of Notices of Zoning Violations by the Division of Building Inspection for recreational outfitters (commercial guided hunting) in an Agricultural Rural (A-R) zone, on property located at 5751 Jacks Creek Pike. (Council District 12)

*Note - The applicant has requested postponement of their application to the March 13, 2023 meeting of the Board of Adjustment. The Staff will finalize their recommendation prior to the meeting.

5. **PLN-BOA-23-00016: WHITETAIL HEAVEN OUTFITTERS** – requests an administrative appeal to contest the issuance of Notices of Zoning Violations by the Division of Building Inspection for recreational outfitters (commercial guided hunting) in an Agricultural Rural (A-R) zone, on property located at 5837 Jacks Creek Pike. (Council District 12)

*Note - The applicant has requested postponement of their application to the March 13, 2023 meeting of the Board of Adjustment. The Staff will finalize their recommendation prior to the meeting.

6. **PLN-BOA-23-00017: WHITETAIL HEAVEN OUTFITTERS** – requests an administrative appeal to contest the issuance of Notices of Zoning Violations by the Division of Building Inspection for recreational outfitters (commercial guided hunting) in an Agricultural Rural (A-R) zone, on property located at 3508 Crawley Lane. (Council District 12)

*Note - The applicant has requested postponement of their application to the March 13, 2023 meeting of the Board of Adjustment. The Staff will finalize their recommendation prior to the meeting.

7. **PLN-BOA-23-00018: WHITETAIL HEAVEN OUTFITTERS** – requests an administrative appeal to contest the issuance of Notices of Zoning Violations by the Division of Building Inspection for recreational outfitters (commercial guided hunting) in an Agricultural Rural (A-R) zone, on property located at 7418 Old Dry Branch Road. (Council District 12)

*Note - The applicant has requested postponement of their application to the March 13, 2023 meeting of the Board of Adjustment. The Staff will finalize their recommendation prior to 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 March 13, 2023 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.

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://fucg.granicus.com/MediaPlayer.php?publish_id=12

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 859-258-3160.