

**AGENDA FOR THE BOARD OF ADJUSTMENT
MEETING**

July 10, 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 June 12, 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, or anyone in the audience who plans to speak to any appeal before the Board, please stand in order to 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-23-00046: NLWS, LLC** – requests variances to 1) reduce the side street side yard setback for a deep building from eleven feet and nine inches (11' 9") to three feet (3'), 2) reduce the required Vehicular Use Area buffer width along the southwestern property line from eight feet (8') to five feet and six inches (5' 6"), and 3) reduce the required Vehicular Use Area buffer width along the northeastern property line from eight feet (8') to six feet and six inches (6' 6") in order to construct an addition and associated parking within the defined Infill and Redevelopment Area in a Neighborhood Business (B-1) zone, on property located at 573 N. Limestone. (Council District 1)

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 subject property is within the defined Infill and Redevelopment Area and the existing structure features legally non-conforming setbacks which are in keeping with other structures in the immediate vicinity. The applicant is providing off-street parking in order to alleviate the demand for on-street parking with the future banquet facility use, and has designed the parking area in a way that minimizes the required variances.
- b. Due to the existing structure's shape and form, improvements or additions are limited to the area of the property where the applicant has located their proposed addition.
- c. The granting of these 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 they were 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 showing proposed handicap spaces located in the center of the parking area.
2. The final design of the parking area, including any grading plans, shall be reviewed and approved by the Division of Traffic Engineering.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection and Traffic Engineering prior to construction.

D. Conditional Use Appeals

1. **PLN-BOA-23-00047: CCG VENTURES, LLC** – requests a conditional use permit to establish a personal care facility within a Neighborhood Design Character Overlay (ND-1) zone in a Planned Neighborhood Residential (R-3) zone, on property located at 319 Duke Road. (Council District 5)

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

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties, as the proposed personal care facility use will utilize the existing building and will be similar in terms of hours and patterns of operation as the assisted living facility that was previously approved at this location.
- b. All public facilities and services continue to be available and adequate for the facility.

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

1. The property shall be operated in accordance with the submitted application materials and site plan.
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.

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

A. **Elect a new vice-chair.**

B. **Appoint a new member to the Landscape Review Committee.**

- 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 August 14, 2023 at 1:30 p.m., Council Chambers, 200 East Main Street, 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://lfucg.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.