

**AGENDA FOR THE BOARD OF ADJUSTMENT
MEETING**

May 13, 2024

- 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 March 2024 Board of Adjustment meeting minutes 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-24-00012: JEROMIE R. KIRK** – requests a variance to increase the allowable width of a driveway from 10' to 20' within the defined Infill and Redevelopment area in a Historic District Overlay (H-1) zone in a Planned Neighborhood Residential (R-3) zone, on property located at 612 N. Broadway. (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 as there are several similar vehicular use areas along Spence Alley.
- b. 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 paving the driveway.

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, subject to modifications during the permitting process.
 2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection and Traffic Engineering prior to construction.
 3. The driveway shall be a maximum of 20' wide except for where a flare at the alley to accommodate the apron is necessary, with such dimension to be determined by the Division of Traffic Engineering during the permitting process.
2. **PLN-BOA-24-00042: SOUTH MILL PROPERTIES LLC** – requests a variance to reduce the minimum side street side yard setback from 10' to 0' in order to construct a new patio within the defined Infill and Redevelopment area in an Historic District Overlay (H-1) zone and a Neighborhood Business (B-1) zone, on property located at 372 S. Mill St., aka 380 S. Mill St. (Council District 3)

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

- a. The applicant has not provided 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. The subject property is rectangular and relatively flat. The lot does have room for an outdoor patio without encroaching into the established side street side yard.

- b. Granting the requested variance would alter the character of the general vicinity as no other structures encroach into the W. Maxwell setback all the way to the right-of-way. The encroachment could also set a precedent for other structures in the general vicinity.
 - c. Granting the requested variance would have a negative impact on the public health, safety, or welfare of the community by potentially damaging existing significant trees within a local historic district. Further, no tree preservation plan has been established or offered to protect the significant trees.
 - d. 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, as they could meet the Zoning Ordinance requirements by shifting the requested 270-square foot patio to another location on the lot or eliminating it altogether.
3. **PLN-BOA-24-00050: STEVEN M. SHERMAN** – requests a variance to reduce the required front yard setback from 30' to 0' in order to pave a circular driveway in front of the house within the defined Infill and Redevelopment area in a Single Family Residential (R-1C) zone, on property located at 1736 Fairway Dr. (Council District 5)

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

- a. The applicant has not provided 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. The subject property's shape and the configuration of the existing structure and paving are substantially similar to the majority of lots in the immediate vicinity.
 - b. Granting the requested variance would alter the character of the general vicinity as the majority of lots on Fairway Drive have a similar orientation and layout to the subject property and circular driveways are uncommon in the neighborhood.
 - c. Granting the requested variance would have a negative impact on the public health, safety, or welfare by creating an additional conflict point between vehicles and pedestrians along Fairway Drive. Additionally, the Division of Traffic Engineering has indicated that the proposed curb cut is too close to the existing curb cut and the turning radius in the circular drive is too tight for vehicle maneuverability.
 - d. The granting of this variance could allow an unreasonable circumvention of the requirements of the Zoning Ordinance as the applicant began construction of the proposed driveway without securing the proper paving permit. Additionally, the property is located within the defined Infill and Redevelopment Area where paving is intended to be more limited than in other residential areas.
4. **PLN-BOA-24-00051: 344 ROMANY ROAD, LLC** - requests 1) a variance to reduce the vehicular use area perimeter buffer from 8' to 0', 2) a variance to reduce the property perimeter buffer from 15' to 0', 3) a variance to reduce the required vehicular use area interior landscaping from 10% to 4.5%, 4) a variance to increase the maximum distance between interior landscape areas within a vehicular use area from 90' to 110', 5) a variance to reduce the required vehicular use area tree canopy from 30% to 15%, 6) a variance to increase the maximum amount of paved area in a vehicular use area between the building and the street from 60' to 240', 7) a variance to decrease the minimum setback for a free-standing sign from 10' to 0' for two freestanding signs in order to construct a parking lot associated with a grocery store a Neighborhood Business (B-1) zone, on property located at 344 Romany Rd. and 357 Duke Rd. (Council District 5)

The Staff Recommends: **Approval of Variances #1, #2, #6, and #7** for the following reasons:

- a. Granting the variances should not adversely affect the public health, safety, or welfare of the general vicinity, as the variances will allow for the applicant to develop the site in a manner that will allow for an increase in vegetation on the site and will allow the circulation of the property to function well for daily use by customers and deliveries.
- b. There are special circumstances that justify the need for the variances, including the slope of the property and the L-shaped configuration of the lot.
- c. Granting 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 they were needed and prior to construction.

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

1. The site shall be developed in accordance with the submitted application materials and a revised site plan.
2. All necessary permits shall be obtained from the Divisions of Building Inspection, Traffic Engineering, and Engineering prior to construction.
3. Action of the Board shall be reflected on the Final Development Plan for the property.

The Staff Recommends: **Disapproval of Variances #3 and #4** 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. There is sufficient space on the property to accommodate the required interior landscaping while maintaining a majority of the desired parking spaces.
- 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, as they could meet the Zoning Ordinance requirements by removing parking spaces or by reducing the width of the parking spaces to a more typical dimension.

The Staff Recommends: **Approval of a lesser variance for Variance #5 to reduce the required Vehicular Use Area tree canopy from thirty percent (30%) to twenty percent (20%)** for the following reasons:

- a. Granting the lesser variance should not adversely affect the public health, safety, or welfare of the general vicinity, nor have a negative impact on the character of the general vicinity as the applicant will be increasing the tree canopy on the subject property.
- b. Granting the variance 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 construction.

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

1. The site shall be developed in accordance with the submitted application materials and a revised site plan.
2. All necessary permits shall be obtained from the Divisions of Building Inspection and Engineering prior to construction.
3. Action of the Board shall be reflected on the Final Development Plan for the property.

5. **PLN-BOA-24-00056: GREER LAND CO SMYRNA #2 LLC** – requests variances to reduce the minimum front yard setback from 10' to 0' and increase the maximum setback from 20' to 73' in order to construct two new buildings with a drive aisle and parking in front of a building on a corner lot in a Neighborhood Business (B-1) zone, on property located at 2041 Richmond Rd. (Council District 5)

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

- a. Granting the variance should not adversely affect the public health, safety, or welfare, nor alter the character of the general vicinity. Increasing the front yard setback will ensure that the proposed building is in keeping with existing non-conforming setbacks of adjoining retail uses, and will preserve existing site access and circulation for vehicular and pedestrian users of the subject property and surrounding properties.
- b. The existing non-conforming setbacks of the adjoining retail uses, as well as the existing vehicular access, and the elevation change from Richmond Road into the subject property are special circumstances that limit the applicant's ability to develop the subject property in accordance with the Zoning Ordinance without adversely affecting the subject property and surrounding properties.
- 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 subject property shall be developed in accordance with the submitted application materials and site plan, or as modified by the amended Final Development Plan.
2. Action of the Board shall be reflected on the Final Development Plan for the property.
3. All necessary permits from the Divisions of Planning and Building Inspection shall be obtained prior to construction.

4. A shared access easement that parallels Richmond Road shall be established on a minor subdivision plat.
 5. The primary pedestrian entrance shall be established along the primary wall of the structure and be oriented to Richmond Road.
 6. The compact parking located in close proximity to the restaurant drive-through lanes shall be removed and replaced with a landscape buffer of a minimum width of 8 feet. Three (3) medium or large trees and a three-foot tall shrub row shall be installed and maintained to provide a buffer of the drive through facilities.
6. **PLN-BOA-24-00062: LINDA DUNSMORE** – requests a variance to reduce the required front yard setback from 45' to 0' in order to allow additional paving in the front yard in a Single Family Residential (R-1C) zone, on property located at 856 Robin Rd. (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 subject property has operated with parking in the front yard area since the home was constructed in 1955.
- b. The orientation of the structure on the lot is a special circumstance that dictates the most appropriate place for an accessible entrance would be the front of the site, near the existing front yard paving.
- 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. Additionally, the cumulative width of the two paved areas will not exceed the maximum allowable width for a driveway (24') in this location.

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

1. Construction shall be in accordance with the submitted application materials and revised site plan depicting the alternative driveway design without the connection.
2. The paved connection area between the existing and proposed driveway shall be removed.
3. All necessary permits and approvals shall be obtained from the Division of Building Inspection prior to paving.

D. Conditional Use Appeals

1. **PLN-BOA-23-00107: MIKE ADAMS** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 1783 Gleneagles Dr. (Council District 6)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. No short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. There is no record of short term rental compliance issues with the applicant.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than 10 individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
4. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

2. **PLN-BOA-24-00022: ESTHER HARVEY** - requests a conditional use permit for an un-hosted short term rental within the defined Infill and Redevelopment area in a Planned Neighborhood Residential (R-3) zone, on property located at 433 Silver Maple Way. (Council District 1)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. While there is no on-site parking present on the subject property, the use should not have an adverse impact on traffic in the general vicinity.
- c. No short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. There is no record of short term rental compliance issues with the applicant.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. The property shall be rented on a short term basis for a maximum of 150 days per calendar year.
3. The applicant shall provide documentation that the dwelling is their primary residence, as defined in Chapter 13 of the Code of Ordinances annually at the time of renewal of their special fee license.
4. Occupancy of the short term rental shall be limited to no more than 6 individuals.
5. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
6. The conditional use permit shall become null and void upon change in ownership, if the property is no longer the applicant's primary residence, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

3. **PLN-BOA-24-00024: BLUEGRASS INTERNATIONAL REALTY LLC** – requests a conditional use permit for an un-hosted short term rental in a Mixed Low Density Residential (R-2) zone, on property located at 732 Whitney Ave. (Council District 2)

The Staff Recommends: Disapproval, for the following reasons:

- a. The proposed use will have an adverse influence on the subject property and the surrounding neighborhood, by removing an existing housing unit from the market that could otherwise be utilized as a primary residence for an owner occupant or long-term tenant within one of the top 10 Census Block Groups identified as a Priority Area, as mapped within the Task Force on Neighborhoods in Transition Report. These priority areas are vulnerable to involuntary displacement, and the proposed use would heighten existing issues with gentrification and involuntary displacement in a location that is in the top 10 Census Block Groups for two of the four mapped attributes.
- b. It is unlikely that there is significant demand for tourist accommodations in the immediate vicinity as the area is characterized by residential uses, a cemetery, and several small light industrial uses. A cluster of short term rentals is occurring just outside the 1,000-foot area reviewed by staff near Old Georgetown Street between West Main Street and West Third Street. That area is closer to tourist destinations and the existing short term rentals there should be sufficient to meet the demand for short term rentals.

4. **PLN-BOA-24-00028: NEW LIFE BAPTIST CHURCH (AMENDED)** – requests a conditional use permit to amend an existing conditional use for a place of religious assembly in order to construct a new accessory structure in a Single Family Residential (R-1C) zone, on property located at 333 Redding Rd. and 3457 Bellmeade Rd. (Council District 4)

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

- a. The proposed structure will allow for the replacement of two existing sheds that are in disrepair and will provide needed storage for the church.
- b. The proposed structure will not result in an increase in traffic on the site and the existing parking lot will not be modified.

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

1. The structure shall be constructed and 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 prior to construction.

5. **PLN-BOA-24-00036: DUSTIN AND LAUREN GAGE** – Request a conditional use permit for a bed and breakfast in an Agricultural Rural (A-R) zone, on property located at 875 S. Cleveland Rd. (Council District 12)

The applicant has informed Staff that they wish to postpone their application to the June 10, 2024 meeting.

6. **PLN-BOA-24-00039: LEXINGTON ISLAMIC CENTER, INC.** – Requests a conditional use permit to amend an existing conditional use for a place of religious assembly in order to construct an addition and new parking areas in an Agricultural Urban (A-U) zone, on property located at 1240 Armstrong Mill Rd. (Council District 8)

The applicant has informed Staff that they wish to postpone their application to the June 10, 2024 meeting.

7. **PLN-BOA-24-00040: TWIN WILLOWS PROPERTIES, LLC** - requests a conditional use permit for an un-hosted short term rental within the defined Infill and Redevelopment area in a Single Family Residential (R-1C) zone, on property located at 122 Thompson Rd. (Council District 11)

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

- a. The proposed use will have an adverse influence on the subject property and the surrounding neighborhood, by removing an existing housing unit from the market that could otherwise be utilized as a primary residence for an owner occupant or long-term tenant within one of the top 10 Census Block Groups identified as a Priority Area, as mapped within the Task Force on Neighborhoods in Transition Report. These priority areas are vulnerable to involuntary displacement, and the proposed use would heighten existing issues with gentrification and involuntary displacement in a location that is in the top 10 Census Block Groups for two of the four mapped attributes. Approximately 2.1% of the housing stock within the priority area is already being utilized for this use.
 - b. There are already 4 short term rentals, representing approximately 1.9% of the housing stock within 1,000 feet of the subject property, that are available for those interested in utilizing the proposed use.
8. **PLN-BOA-24-00041: JEFFREY GINN** – requests a conditional use permit for an un-hosted short term rental in a Planned Neighborhood Residential (R-3) zone, on property located at 2520 Crusaders Way. (Council District 6)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. No short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. There is no record of short term rental compliance issues with the applicant.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than 4 individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.

4. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.
9. **PLN-BOA-24-00043: RAISSA AND PETER CONWAY** - requests a conditional use permit for an un-hosted short term rental within the defined Infill and Redevelopment area in a Historic District Overlay (H-1) zone, and a Single Family Residential (R-1C) zone, on property located at 111 Wabash Dr. (Council District 10)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. No short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. There is no record of short term rental compliance issues with the applicant.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than 6 individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
4. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

10. **PLN-BOA-24-00044: WILLIAM ALLEN** - requests a conditional use permit for an un-hosted short term rental within the defined Infill and Redevelopment Area in a Mixed Low Density Residential (R-2) zone, on property located at 321 Richmond Ave. (Council District 5)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users. Additionally, the subject property will be utilized as the applicant's primary residence and the short term rental operation will be limited to only 50 days per year.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. No short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. There is no record of short term rental compliance issues with the applicant.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. The property shall be rented on a short term basis for a maximum of 50 days per calendar year.
3. Occupancy of the short term rental shall be limited to no more than 5 individuals.
4. The applicant shall provide documentation that the dwelling is their primary residence, as defined in Chapter 13 of the Code of Ordinances annually at the time of renewal of their special fee license.
5. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
6. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

- 11. PLN-BOA-24-00045: LISA PRESTON** - requests a conditional use permit for an un-hosted short term rental within the defined Infill and Redevelopment area in a Single Family Residential (R-1C) zone, on property located at 1112 Liggett St. (Council District 11)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. While there is an active complaint in the area regarding an Airstream trailer being used as a short term rental, no short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. While there was a complaint to Building Inspection regarding the applicant's operation of a short term rental without a permit, the applicant immediately applied for a Conditional Use Permit once notified of violation.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than 7 individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
4. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

- 12. PLN-BOA-24-00046: PORCH LIGHT PROPERTIES, LLC** - requests a conditional use permit for an un-hosted short term rental within the defined Infill and Redevelopment area in a Historic District Overlay (H-1) zone, and a Single Family Residential (R-1E) zone, on property located at 340 Park Ave. (Council District 3)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. No short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. There is no record of short term rental compliance issues with the applicant.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than 6 individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
4. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

- 13. PLN-BOA-24-00047: JENNIFER CHANG AND JONATHAN GRAHAM** - request a conditional use permit for an un-hosted short term rental within the defined Infill and Redevelopment area in a Planned Neighborhood Residential (R-3) zone, on property located at 420 Johnson Ave. (Council District 1)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.

Additionally, the applicant is uniquely suited to manage the property as a short term rental given the immediate proximity of their permanent residence.

- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate on-street parking is available on Johnson Avenue and Hubbard Alley.
- c. No short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. There is no record of short term rental compliance issues with the applicant.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than 6 individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
4. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.
5. The conditional use permit shall become null and void if the applicant no longer occupies the property at 417 Johnson Avenue as their primary residence.

- 14. PLN-BOA-24-00048: MATTHEW ISHMAEL** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 3548 King Arthur Dr. (Council District 4)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate off-street parking is available.
- c. No short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. There is no record of short term rental compliance issues with the applicant.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than 6 individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
4. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term al fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

- 15. PLN-BOA-24-00049: KRISTIN SILVESTRI** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 2012 Parallel Rd. (Council District 2)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. No short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. There is no record of short term rental compliance issues with the applicant.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than 6 individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
4. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

- 16. PLN-BOA-24-00052: TAMMY FIEFHAUS** - requests a conditional use permit for an un-hosted short term rental in a Medium Density Residential (R-4) zone, on property located at 2900 Alydar Ct., Unit A. (Council District 7)

The applicant has informed Staff that they wish to postpone their application indefinitely.

- 17. PLN-BOA-24-00054: FB REAL ESTATE** - requests a conditional use permit for an un-hosted short term rental in a Planned Neighborhood Residential (R-3) zone, on property located at 3109 Daly Pl. (Council District 2)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate off-street parking is available.
- c. No short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. There is no record of short term rental compliance issues with the applicant.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than 6 individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
4. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

- 18. PLN-BOA-24-00055: PATRICK HALLOWELL** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 305 Lafayette Pkwy. (Council District 10)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users. Additionally, the subject property will be primarily utilized as the applicant's primary residence and the short term rental will be limited to less than 50% of the time.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. No short term rentals in the area have been cited as a nuisance.
- d. There is no record of short term rental compliance issues with the applicant.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. The property shall be rented on a short term basis for a maximum of 150 days per calendar year.

3. The applicant shall provide documentation that the dwelling is their primary residence, as defined in Chapter 13 of the Code of Ordinances annually at the time of renewal of their special fee license.
4. Occupancy of the short term rental shall be limited to no more than 10 individuals.
5. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
6. The conditional use permit shall become null and void upon change in ownership, if the property is no longer the applicant's primary residence, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

19. PLN-BOA-24-00057: SETH AND MEGAN HILLENMEYER - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 1952 Blairmore Rd. (Council District 5)

The Staff Recommends: Approval, for the following reasons:

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of guests. Additionally, the subject property will be primarily utilized as the applicants' primary residence (50% of the time) and the short term rental operation will be limited.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate off-street parking is available in the driveway.
- c. No short term rentals in the area have been cited as a nuisance and there is not a high concentration of short term rentals in the vicinity.
- d. There applicants' compliance issues have been minimal since July 2023 and resolved quickly for the existing 15 short term rental units operated by the Hillenmeyers.
- e. 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 short term rental use shall be established in accordance with the submitted application materials and site plan.
2. The property shall be rented on a short term basis for a maximum of 150 days per calendar year.
3. Occupancy of the short term rental shall be limited to no more than 12 individuals.
4. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
5. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.
6. The conditional use permit shall become null and void upon change in ownership, if the property is no longer the applicant's primary residence, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

20. PLN-BOA-24-00059: ROMAN CATHOLIC BISHOP DIOCESE OF LEXINGTON - requests a conditional use permit for a place of religious assembly in order to construct additional parking within the defined Infill and Redevelopment area in a Medium Density Residential (R-3) zone, on property located at 430 Jefferson St. and 485 W. Fourth St. (Council District 1)

The Staff Recommends: Approval, for the following reasons:

- a. The proposed use should not adversely affect the subject or surrounding properties. The parking lot will provide needed parking spaces for the church, which is located in an area that generally needs more parking. The parking lot will be required by the Zoning Ordinance to provide landscaping and screening to create a buffer between the vehicular use and the residential neighborhood.
- b. 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 project shall be completed in accordance with the submitted application materials and site plan, noting the shifting of the proposed landscaping in accordance with Article 18 of the Zoning Ordinance and subject to any alterations required throughout the permitting process.

2. All necessary permits and approvals shall be obtained from the Divisions of Planning, Building Inspection, and Engineering prior to construction.
3. The final configuration of the parking lot, including any changes to the church's existing parking layout, shall be subject to approval by the Division of Traffic Engineering.
4. The parking lot shall be paved, with spaces delineated, and landscaped/screened in accordance with the requirements of Article 16 and 18 of the Zoning Ordinance, with the landscaping moved to the exterior edge of the proposed parking lot along 434 Jefferson Street.
5. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
6. Any pole lighting for the parking lot shall be of a shoebox (or similar) design, with light directed downward to avoid disturbing any adjoining residential properties.

21. PLN-BOA-24-00060: NATHAN MCCAULEY - requests a conditional use permit for an un-hosted short term rental within the defined Infill and Redevelopment area in a Historic District Overlay (H-1) zone, in a Mixed Low Density Residential (R-2) zone, on property located at 841 W. High St. (Council District 11)

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

- a. The proposed use will have an adverse influence on the subject property and the surrounding neighborhood, as a high concentration of short term rentals exist in proximity to the subject property. Approximately 22% of lots containing a residential use are being utilized for short term rentals. Concentrations this high likely represent a change in the residential character of the neighborhood and may have negative impacts on housing affordability and availability in the neighborhood.
- b. The subject property is located in close proximity (within 250') to the edge of a top 10 Census Block Group identified by the Neighborhoods in Transitions Task Force and a concentration of short term rentals appears to be occurring near the edge of that Block Group along Oliver Lewis Way and within 500 feet of that Block Group, which could negatively impact the surrounding neighborhood by heightening issues with gentrification and displacement within a neighborhood that is already vulnerable to involuntary displacement.
- c. The subject property shares a 10-foot wide driveway and parking area with two other short term rental operations. Approval of the proposed short term rental with an occupancy of four guests could result in a total occupancy for these three units of up to 22 individuals, creating issues with parking and access, particularly because West High Street is a busy one-way street with no on-street parking.

22. PLN-BOA-24-00061: REDWOOD COOPERATIVE SCHOOL INC - requests to amend an existing conditional use for a school of academic instruction in order to expand the outdoor play area in Single Family Residential (R-1C) and Mixed Low Density Residential (R-2) zones, on property located at 166 Crestwood Dr., 125 and 129 Greenbriar Rd. (Council District 3)

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

- a. The proposed outdoor play areas should not adversely affect the subject or surrounding properties as the play area will be fenced and only used by the school during typical school hours.
- b. Approval of the request will not result in any additional traffic on or to the school, as enrollment will not be increase.
- 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 use shall be expanded in accordance with the submitted application materials and site plan, or as modified by the amended Final Development Plan.
2. Action of the Board shall be reflected on the Final Development Plan for the property.
3. All necessary permits, including a fence permit shall be obtained prior to construction.
4. Student enrollment shall be limited to 185 students and faculty employment shall be limited to 29 employees.
5. A shared parking agreement shall be established with adjoining properties for use by parents and guests for the school's special events.
6. The parking lot shall be paved, with spaces delineated, and landscaped/screened according to the provisions of Article 16 and 18 of the Zoning Ordinance.
7. Fire and Emergency access to the proposed building shall be established in accordance with Division of Fire and Emergency Services requirements.

- 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 June 10, 2024 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.