

**AGENDA FOR THE BOARD OF ADJUSTMENT
MEETING**

October 14, 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 July 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-24-00118: VANMETER PETTIT** – requests variances to 1) reduce the required front yard from eight (8) feet to six (6) feet; 2) reduce the required side street side yard setback from three (3) feet to zero (0) feet and 3) increase the maximum allowable height from twenty-four (24) feet to thirty-four (34) feet within the defined Infill and Redevelopment Area and an Historic District Overlay (H-1) zone in a Planned Neighborhood Residential (R-3) zone, on property located at 472 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. The subject property is within the defined Infill and Redevelopment Area and the surrounding structures in the immediate vicinity feature legally non-conforming setbacks and heights, similar to those being proposed by the applicant.
- b. Due to the existing lot's shape and form, improvements or additions are limited to the area of the property where the applicant has located their proposed structure.
- 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, as revised and submitted on October 7, 2024.
 2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.
2. **PLN-BOA-24-00137: SAUNIER LIVERY LLC** – requests a variance to increase the allowable height of a rear fence from eight (8) feet to twelve (12) feet within the defined Infill and Redevelopment Area in a Lexington Center Business (B-2B) zone, on property located at 171 Saunier Street. (Council District 11)

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

- a. The applicant has not provided a sufficient justification to meet the requirements of Article 7 of the

Zoning Ordinance or KRS 100.243. There do not appear to be special circumstances that are unique to the subject property that do not generally apply to land in the general vicinity or in the same zone that justify the need for the variance. Eight-foot-tall rear fences or walls are typical across all downtown zones.

- b. The applicant has not provided sufficient information to determine that strict enforcement of the Zoning Ordinance will result in an unnecessary hardship or deprive the applicant of the reasonable use of their land. The applicant could reduce the twelve-foot section to the previously approved eight-foot height in conformity with the building permit.

D. Conditional Use Appeals

1. **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)

Note – At the August 12, 2024 Board of Adjustment meeting, the Board approved the applicant's request for postponement of their application to the November 4, 2024 meeting.

2. **PLN-BOA-24-00039: LEXINGTON ISLAMIC CENTER INC** - requests 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)

Note – This application was postponed from the September 9, 2024 meeting.

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

- a. With the proposed conditions, approval of the amended conditional use should not adversely affect the subject or adjoining/nearby properties
- b. The subject property is large enough to accommodate the expansion of the religious assembly use.
- c. The use will be screened from view from the adjoining residential uses by the existing tree line along the perimeter of the property.
- d. All necessary public services and facilities are or will be available and adequate for the proposed use.

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

1. The property shall be developed and operated in accordance with the submitted application materials and a revised site plan, subject to any alterations required throughout the permitting process.
2. The parking area shall be landscaped in accordance with Article 18 of the Zoning Ordinance, and the new off-street parking area shall be screened with trees and shrubs, as if it were in a residential zone.
3. The site plan shall be modified to show no parking areas located in the front yard area.
4. The site plan shall be modified to show pedestrian connections to Merman Drive. and Accord Drive.
5. The off-street parking areas shall be installed and maintained per Article 16 of the Zoning Ordinance.
6. All signage for this use shall comply with Article 17 of the Zoning Ordinance.
7. Storm water management facilities shall be designed in accordance with the Engineering Manuals, with a minimum additional 10% capacity, subject to approval or acceptance by the Division of Engineering.
8. Any lighting shall be provided in accordance with Article 30 of the Zoning Ordinance.
9. Perimeter trees (within 15 feet of the property boundary) shall be protected and maintained, unless recommended for removal by the Urban Forester due to safety or other concerns. If a perimeter tree is removed for any reason, it shall be replaced with a comparable tree, in consultation with the Urban Forester.
10. All necessary permits and/or approvals shall be obtained from the Divisions of Planning, Building Inspection, and Engineering, prior to construction and occupancy.

3. **PLN-BOA-24-00095: CIRENIA MOLINA** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 259 Malabu Dr. (Council District 3)

Note – This application was postponed from the September 9, 2024 meeting.

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

- a. There is a record of short term rental compliance issues with the applicant for a dwelling unit within Lexington-Fayette County. The compliance issues have not been resolved and create a health and safety concern. Until the compliance issues are resolved, additional units should not be approved for the applicant.
4. **PLN-BOA-24-00113: KATHRYN DAY** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 434 Queensway Dr. (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.
- 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 area.
- d. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The 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 5 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. **PLN-BOA-24-00119: THE CHURCH IN LEXINGTON INC** – requests a conditional use permit to establish a place of religious assembly in an Agricultural Urban (A-U) and Single Family Residential (R-1C) zone, on property located at 1136, 1220 and 1250 Higbee Mill Rd. (Council District 9)

Note – This application was continued from the September 9, 2024 meeting.

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

- a. Approval of the proposed conditional use should not adversely affect the subject or adjoining/nearby properties, provided that all necessary permits and approvals, including a stormwater management plan are secured prior to construction and occupancy.
- b. The new structure is approximately 2,000 square feet larger than was previously approved by the Board of Adjustment in 2021, thus it is unlikely that the church expansion would create traffic issues in the neighborhood.
- c. All necessary public services and facilities are or will be available and adequate for the proposed use.

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

1. The property shall be developed and operated in accordance with the submitted application materials and site plan, subject to any alterations required throughout the permitting process.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning, Building Inspection, and Engineering, as well as necessary state and federal agencies, prior to construction and occupancy.
3. 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.

4. The final configuration of the parking areas shall be subject to approval by the Division of Traffic Engineering.
 5. Any outdoor lighting for the parking lot shall meet the requirements of Article 30.
 6. All three properties shall be consolidated with a minor subdivision plat prior to construction.
 7. The existing unused bridge on 1220 Higbee Mill Road shall be removed prior to occupancy of the new structure.
 8. The bridge access point currently on 1136 Higbee Mill Road shall be widened to the approval of the Division of Engineering and obtain any state and federal permits necessary for approval.
 9. The parking areas shall be paved, with spaces delineated, and landscaped/screened in accordance with the requirements of Article 16 and 18 of the Zoning Ordinance.
6. **PLN-BOA-24-00125: DONTELLA ZERIAL-PRUNEAU** – requests a conditional use in order to operate a home-based business for yoga instruction in a Townhouse Residential (R-1T) zone, on property located at 3277 Buckhorn Dr. (Council District 7)

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

- a. Approval of the proposed conditional use should not adversely affect the subject or nearby properties, provided that all necessary permits and approvals are secured. Additionally, such activities will occur during normal business hours throughout the week and daytime hours on the weekends.
- b. All necessary public services and facilities are or will be available and adequate for the proposed use. Adequate parking is available on the subject property and on-street parking is available in the immediate vicinity.

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, subject to any alterations required throughout the permitting process.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning and Building Inspection, as well as necessary state and federal agencies, prior to construction (if necessary) and occupancy.
3. The applicant may only use up to 300 square feet of the basement space for the home-based business for yoga instruction use.
4. All classes and instruction must occur within the dwelling unit.
5. No one shall teach classes on site other than the residents of the dwelling unit.

7. **PLN-BOA-24-00130: EMILY HEURING** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 689 Providence Rd. (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 area.
- 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 8 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.

8. **PLN-BOA-24-00131: KOKATIE PROPERTIES 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 220 Sycamore Rd., Unit 3. (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.
- 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 area.
- 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-24-00133: DEISY PEREZ** - 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 Elm Tree Lane. (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. 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 area.
- d. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The 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.

10. **PLN-BOA-24-00134: CENTENARY CHURCH INC** – requests to amend an existing conditional use permit for outdoor recreational facility (soccer fields) in an Agricultural Rural (A-R) zone, on property located at 4861 Athens Boonesboro Rd. (Council District 7)

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

- a. The proposed expansion of the recreational fields should not adversely affect the surrounding properties as activities are not proposed to expand in a significant manner. Although participation has increased since 2006, the applicant has been able to manage the use of the site to limit negative impacts to adjoining properties.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available on-site, and on the adjacent Brenda Cowen Elementary School to the west of the

subject property. Fayette County Public Schools improved the entrance drive in 2020 from Athens Boonesboro Road, which helps with site circulation.

- c. The preservation of existing vegetative screening, prohibitions against restaurants or food service, loudspeakers and substantially similar uses, should minimize the impact of the use on properties within the general vicinity.
- d. All necessary public facilities and services are available and adequate for the proposed use.

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

1. The facilities shall be constructed and operated in accordance with the submitted application and site plan.
2. All necessary permits shall be obtained from Building Inspection prior to construction.
3. The re-design of the access and off-street parking area shall be subject to the review and approval by the Division of Traffic Engineering.
4. The proposed access drive shall be paved with asphalt or concrete and shall include pedestrian facilities adjacent to ADA accessible parking areas.
5. Portable toilets, and any subsequent sewage treatment system to be used, shall be installed and operated in accordance with the requirements of the Department of Health.
6. The fields shall not be lighted.
7. Existing vegetative areas in the north and northeastern portions of the site shall be preserved to maintain screening for the adjacent properties.
8. Loudspeakers and restaurants or food service are prohibited.
9. A stormwater management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
10. The proposed outdoor recreational facilities shall be limited to use for athletic-related activities only and shall not be used for non-athletic commercial events or gatherings, including concerts, festivals, fireworks, off-site parking and substantially similar uses.
11. Hours of operation shall be limited to 7 A.M. to 10 P.M., daily.

11. **PLN-BOA-24-00135: KENNETH HOWARD** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 2604 Oakmont Ct. (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 area.
- d. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The 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 8 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-24-00136: PROMINENT PROPERTY** - requests a conditional use permit for an un-hosted short term rental within the defined Infill and Redevelopment Area and an Historic District Overlay (H-1) zone in a Mixed Low Density Residential (R-2) zone, on property located at 712 W. Maxwell 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 and there is a mixture of uses in the immediate vicinity that may result in a higher demand for short term rentals.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. There is no record of short term rental compliance issues with the applicant.
- d. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The 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 9 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-24-00138: UNITARIAN UNIVERSALIST CHURCH OF LEXINGTON** – requests to amend an existing conditional use permit for a place of religious assembly in order to expand the parking area in a Single Family Residential (R-1B) zone, on property located at 3564 Clays Mill Road. (Council District 9)

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 within their existing site that will improve stormwater and water quality management. The parking lot will be required by the Zoning Ordinance to provide landscaping and screening to create a buffer between the vehicular use area along the residential neighborhoods.
- 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 an amended site plan, depicting the requirements below 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, Environmental Services 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.
5. A sidewalk, a minimum of five feet in width, shall be provided from the subject property's Clays Mill Road frontage to the building entrance.
6. Any new outdoor lighting shall comply with the requirements of Article 30 of the Zoning Ordinance.

- 14. PLN-BOA-24-00139: STEVEN DENNIS** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1E) zone, on property located at 845 White Wood Flat. (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 area.
- 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 8 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.

- 15. PLN-BOA-24-00141: Z ENTERPRISES LLC** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 2238 Circle 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 area.
- 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-24-00142: EMILY NIGAM** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1E) zone, on property located at 2553 Sun Seeker Ct. (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 area.
- 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.

17. **PLN-BOA-24-00143: JOHN SCHORNICK** - requests a conditional use permit for an un-hosted short term rental in an Expansion Area Residential-2 (EAR-2) zone, on property located at 3776 Polo Club Blvd. (Council District 12)

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 area.
- d. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The 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 12 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-24-00146: SUZANNE AHNQUIST** - requests a conditional use permit for an un-hosted short term rental within the defined Infill and Redevelopment Area and an Historic District Overlay (H-1) zone in a Single Family Residential (R-1C) zone, on property located at 214 Arcadia Park. (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 area.
- 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.

19. **PLN-BOA-24-00147: TJH WESTWOOD** - requests a conditional use permit for an un-hosted short term rental and a variance to increase the maximum number of parking spaces from two (2) to four (4) in order to add additional parking within the defined Infill and Redevelopment Area in a Single Family Residential (R-1C) zone, on property located at 105 Westwood Dr. (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 area.
- 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.
- f. 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 paved parking area should have little visual impact on the surrounding properties as it is similar to other rear parking areas in the general vicinity and is located in the rear of the structure.

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 12 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. Paving shall be in accordance with the submitted application materials and revised site plan depicting the removal of the gravel area and a landscape buffer along the rear perimeter of the new parking area to provide separation between the yard and parking area and prevent the continued use of the gravel area.
6. The applicant shall apply for and receive final approval for the parking area from the Division of Traffic Engineering.

- 20. PLN-BOA-24-00149: JULEP PROPERTIES LLC** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 3112 Sandersville 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 area.
- d. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The 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 12 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.

- 21. PLN-BOA-24-00151: MICHAEL NORRIS** – requests a conditional use permit for an un-hosted short term rental in a Planned Neighborhood Residential (R-3) zone, on property located at 2140 Palomar Trace 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 area.

- d. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The 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 12 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.

- 22. PLN-BOA-24-00152: TYLER HUGHES** - 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-1E) zone, on property located at 429 Hollywood Dr. (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 area.
- 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 12 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.

- 23. PLN-BOA-24-00153: JULEP PROPERTIES LLC** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 2909 Trailside Dr. (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 area.
- d. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The 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 12 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.

- 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 November 4, 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.