

**AGENDA FOR THE BOARD OF ADJUSTMENT
MEETING**

November 4, 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 August 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-24-00123: MULBERRY BUILDERS** – requests a variance to reduce the required rear yard setback from twenty (20) feet to fifteen (15) feet within the defined Infill and Redevelopment Area in a Planned Neighborhood Residential (R-3) zone, on property located at 513 W. Fifth Street. (Council District 1)

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

- a. Granting the variance should not adversely affect the public health, safety, or welfare of the general vicinity, nor alter the character of the general vicinity. The subject property is within the defined Infill and Redevelopment Area and the proposed structure features a rear yard setback that is keeping with other structures in the immediate vicinity.
- b. The reduced rear yard setback should not negatively impact the adjoining property to the rear, as the home on the adjoining property is located approximately 50 feet from the shared lot line.
- c. There are special circumstances that justify the need for the requested variance. The subject property is a narrow lot that was created prior to the current development standards.
- d. The requested variance is generally reasonable and the approval will allow the applicant to utilize a vacant lot within the Infill & Redevelopment Area for needed housing.
- e. The granting of the variance will not allow an unreasonable circumvention of the requirement of the Zoning Ordinance because the applicant has applied for the necessary variance as soon as it was determined that it was needed, and prior to beginning construction.

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

1. Construction shall be in accordance with the submitted application materials and site plan.
 2. All necessary permits and/or approvals shall be obtained from the Divisions of Building prior to construction.
2. **PLN-BOA-24-00140: KURT ZEHNDER** – requests a variance to reduce the required side street side yard setback of a corner lot from thirty (30) feet to five (5) feet in order to construct an accessory swimming pool and an addition to a non-conforming structure in a Single Family Residential (R-1C) zone, on property located at 607 Lane Allen Road. (Council District 10)

The Staff Recommends: **Approval of a lesser variance of 6'-6"**, for the following reasons:

- a. Granting the variance should not adversely affect the public health, safety, or welfare of the general vicinity, nor alter the character of the general vicinity. The subject property features an existing structure with legally non-conforming setbacks and the proposed addition will continue the existing setback. The proposed swimming pool, although considered a structure, will be in-ground and not generally visible beyond the property line.
- b. Due to the existing structure's shape and form, as well as existing easements, improvements or additions are limited to the area of the property where the applicant has located their proposed addition and swimming pool.
- 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 variances as soon as it was determined that they were needed, and prior to beginning construction.

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

1. Construction shall be in accordance with the submitted application materials and site plan showing proposed garage addition and accessory swimming pool.
 2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.
3. **PLN-BOA-24-00170: RYAN CAMENISCH** – requests a variance to reduce the required side yard setback from three feet (3') to one (1) foot in a Medium Density Residential (R-4) zone, on property located at 444 Jefferson Street. (Council District 1)

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

1. The staff determined that there was a technical issue with notice for the variance.
 2. The original notice for the property was for a three (3) foot setback. Upon review of the application, staff determined that the actual setback should be six-foot-and-five-inches per section 15-2(b)(2), and thus a greater variance or dimensional change than stipulated in the notice letter.
4. **PLN-BOA-24-00172: WILL CHAPMAN** – requests a variance to reduce the required front yard setback from forty (40) feet to zero (0) feet to maintain a circular driveway in the front yard in a Single Family Residential (R-1B) zone, on property located at 1365 Cooper Drive. (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 expanded garage and driveway without the circular driveway provides enough space for vehicles to turn around.
 - b. The granting of this variance could allow an unreasonable circumvention of the requirements of the Zoning Ordinance as the applicant constructed the circular driveway without securing the proper paving permit.
5. **PLN-BOA-24-00173: LUCY LEXHOUSE LLC** – requests a variance to reduce the required side yard setback from nine feet, six inches (9'-6") to one (1) foot within a Neighborhood Design Overlay (ND-1) and Single Family (R-1C) zones, on property located at 105 Old Cassidy Avenue. (Council District 5)

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 existing structure features a legally non-conforming setback which is in keeping with other structures in the immediate vicinity.
- b. Due to the existing structure's shape and form, improvements or additions are limited to the area of the property where the applicant has located their proposed additions.
- 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.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.

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 – The applicant has informed Staff that they wish to withdraw their application.

2. **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 and the October 14, 2024 meetings.

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.
3. **PLN-BOA-24-00129: JACKIE ARNOLD** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 2425 Yuma Court. (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 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.

4. **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)

Note – This application was continued from the October 14, 2024 meeting.

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.

5. **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.

6. **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.

7. **PLN-BOA-24-00154: PARSONS PLUMMER PROPERTIES LLC** – 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 Medium Density Residential (R-4) zone, on property located at 719 W. Main Street. (Council District 11)

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

- a. The applicant has willfully violated the rules and regulation set forth in the Code of Ordinances, Chapter 13, Article 5 and its sub-sections.
- b. The subject property is located in close proximity (within 350') 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 access easement through the neighboring property. The proposed short-term rental with an occupancy of eight guests could result in an adverse influence on the surrounding neighborhood by limiting parking and access to the surrounding properties, particularly because West Main Street is a busy principal arterial roadway with no on-street parking and the egress point directly conflicts with a bus stop.

8. **PLN-BOA-24-00156: ANA RIVAS** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 2240 Preakness Court. (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.

9. **PLN-BOA-24-00158: PRIYANKA SHRESTHA** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 720 Kingston Road. (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. 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 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.

10. **PLN-BOA-24-00159: STORM CHERRY** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 2308 Cabot Drive. (Council District 6)

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

- a. 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. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood. 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.

11. **PLN-BOA-24-00160: JAMES HINKEBEIN**- 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 130 Shawnee Place. (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. 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.

12. **PLN-BOA-24-00161: DENALI TOWING LLC** – requests a conditional use permit to establish a vehicle storage yard in a Light Industrial (I-1) zone, on property located at 604 Bizzell Drive. (Council District 11)

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

- a. The proposed vehicle storage yard in conjunction with a towing business should not have an adverse effect on the subject or surrounding properties. The adjacent uses are typical of the light industrial zone, and with adequate screening it is unlikely that the requested use would create any disturbances.
- b. All necessary public services and facilities are or will be available for the proposed use.

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

1. The vehicle storage yard shall be established in accordance with the submitted application materials and site plan.
2. All necessary permits and approvals shall be obtained from the Divisions of Planning, Building Inspection and Engineering prior to commencement of the use.
3. No dismantled, or partially dismantled automobiles may be stored on the lot.
4. No inoperable vehicles may be stored on the lot for longer than sixty (60) days.
5. There shall not be any truck terminal, automobile wrecking, or junk yard uses operating on the property.
6. The rear of the property where vehicles are stored shall be paved to the approval of the Division of Traffic Engineering.
7. The storage area shall be enclosed on all sides by a 6-foot-tall solid wall or fence. Any existing chain link fence of at least 6 feet in height can be considered “solid” if privacy screening is added.
8. There shall be no storage of vehicles within the public right-of-way.

9. Vehicles shall be parked on the rear of the lot in a fashion that permits independent access (by tow trucks) to each vehicle stored on-site.
10. Any outdoor lighting for the parking lot shall meet the requirements of Article 30.

13. PLN-BOA-24-00162: 201 TOBACCO ROAD - requests a conditional use permit for an un-hosted short term rental in a Planned Neighborhood Residential (R-3) zone, on property located at 2861 Kearney Creek Lane. (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 8 individuals.
3. The existing structure shall be rented only as a single family dwelling with only one booking at a time.
4. Any improvements to the structure to create a separate dwelling unit in the basement shall be removed or the owner shall secure the appropriate permits from the Divisions of Building Inspection and Planning to convert the structure into a duplex or create an accessory dwelling unit.
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.

14. PLN-BOA-24-00163: RITA JONES - requests a conditional use permit for an un-hosted short term rental in a Medium Density Residential (R-4) zone, on property located at 3772 Kenesaw Drive. (Council District 12)

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

- a. The staff determined that the site plan that was sent out with the notice letters was for the wrong property, making the notice insufficient. The applicant will need to submit the corrected site plan, along with new notice letters for the December BOA hearing.

15. PLN-BOA-24-00164: EMERALD SHINOBI 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 2745 Woodlawn Way. (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 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-24-00166: COREY ELDER** – 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 726 Bellaire Avenue. (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. 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 72 days per calendar year.
3. Occupancy of the short term rental shall be limited to no more than 6 individuals.
4. The applicant shall provide documentation that the dwelling is their primary residence 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, if the applicant purchases a new 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.

17. **PLN-BOA-24-00167: BRENNAN AND SUZANNE FERAN** - 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 553 Jefferson Street. (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 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-24-00168: GREEN DIAMOND LLC** - requests a conditional use permit for an un-hosted short term rental with an occupancy greater than twelve (12) in a Single Family Residential (R-1A) zone, on property located at 1911 Parkers Mill Road. (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 increased occupancy will not result in overcrowding or create a nuisance as the structure and lot are large enough to accommodate 16 guests, there is ample existing parking, and the house features eight (8) bedrooms.
- c. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- d. 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.
- e. There is no record of short term rental compliance issues with the applicant.
- f. 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 16 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-24-00169: JACK THOMAS** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 2912 Piedmont Park. (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 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.

- 20. PLN-BOA-24-00171: CRYSTAL AND EDDIE TOWE** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1B) zone, on property located at 2059 Manor Drive. (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 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.

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

A. Consider Board of Adjustment 2025 Meeting and Filing Schedule for adoption.

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 December 9, 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.