

**AGENDA FOR THE BOARD OF ADJUSTMENT
MEETING**

February 10, 2025

- 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**

None 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**
- D. **Conditional Use Appeals**

1. **PLN-BOA-24-00209: 185 WALTON AVE LLC** – 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 185 Walton Ave. (Council District 3)

Note – This application was postponed from the January 13, 2025 meeting.

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

- a. The four factors listed in Article 3-13(g) of the Zoning Ordinance have been evaluated, in addition to the requirements of Article 7 of the Zoning Ordinance and KRS 100.237.
 - b. Review of those factors shows that no STRs in the proximity have been cited as a nuisance, and the applicant has no history of compliance issues.
 - c. But based on a review of the number of STRs, a high concentration of short-term rentals is developing within the neighborhood with fourteen (14) operating within 1,000 feet of the subject property, for a concentration of 3.88% of the homes within the vicinity being used for STRs.
 - d. The projected occupancy rate of the short-term rental is greater than the City of Lexington's average of 50%, resulting in a higher than average impact because transient guests are coming and going more frequently.
2. **PLN-BOA-24-00219: MAZUNA 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 147 Londonderry Dr. (Council District 11)

Note – This application was continued from the January 13, 2025 meeting.

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 six (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.

3. **PLN-BOA-25-00002: RED DRAW LIBERTY LLC** – requests a conditional use permit for the following uses: 1) assisted living facilities and 2) a medical clinic in a Medium Density Residential (R-4) zone, on properties located at 2156-2184 Liberty Road (even addresses only) & 766 Paradise Lane (Council Districts 6 & 7)

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

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties, as it should not create disturbing levels of traffic and noise. A 15-foot wide landscape buffer around the exterior of the site will help to mitigate any commercial use of the site. The properties are of a sufficient size to accommodate the proposed uses.
- b. All necessary public facilities and services are available and adequate for the proposed uses.

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 made on an amended final development plan.
- 2. The final configuration of all vehicular use areas shall be subject to review and approval from the Division of Traffic Engineering.
- 3. Review of any gated access to Paradise Lane shall be established in accordance with Division of Fire and Emergency Services requirements.
- 4. A 15-foot wide landscape buffer to include one tree planted every 40 feet of linear boundary and a continuous 6-foot tall planting, hedge, fence, wall or earth mound shall be provided along the exterior or perimeter of the subject properties.
- 5. All necessary permits and approvals shall be obtained from the Divisions of Planning, Building Inspection, and Engineering prior to construction.

4. **PLN-BOA-25-00004: DIOCESE OF LEXINGTON TR** – requests a conditional use permit for a childcare center accessory to a place of religious assembly in a Single Family Residential (R-1A) zone, on property located at 1891 Parkers Mill Road. (Council District 10)

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

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. All facilities are in place, including the required outdoor play area, to accommodate a childcare center for up to 12 children. Adequate parking is available in the church parking lot for pick-up and drop-off of students.
- b. 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 childcare center shall be established in accordance with the submitted application and site plan.

2. An occupancy permit shall be obtained from the Division of Building Inspection prior to opening the childcare center.
3. Enrollment at the childcare center shall be limited to no more than twelve (12) children, or as further limited based on occupancy restrictions set by the Kentucky Cabinet for Health and Family Services and/or the Division of Fire and Emergency Services.
4. The outdoor play area of 1,312 square feet shall be fenced and screened.
5. The childcare center shall at all times operate in compliance with the regulations of the Kentucky Cabinet for Health and Family Services.

5. **PLN-BOA-25-00005: GOODPASTER PROPERTY GROUP L.L.C** – 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 139 Garrett Avenue. (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. No short term rentals in the area have been cited as a nuisance.
- d. The applicant meets one of the three relief provisions of the Zoning Ordinance. Although there is one (1) other short-term rental within the required 600-foot buffer, the applicant demonstrated that this short-term rental is located on the perimeter of the buffer area, and allowing a short term rental on the subject property will not contribute to an overconcentration of un-hosted short term rentals in the immediate area or adversely affect the housing stock in the immediate area. Additionally, the concentration of short-term rentals in 1,000 feet of the subject property is less than 2%.
- 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 six (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.

6. **PLN-BOA-25-00006: GOODPASTER PROPERTY GROUP L.L.C** – 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 137 Garrett Avenue. (Council District 11)

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

- a. The three factors listed in Article 3-13(g) of the Zoning Ordinance have been evaluated, in addition to the requirements of Article 7 of the Zoning Ordinance and KRS 100.237
- b. No other STRs have been cited in the vicinity as a nuisance and the applicant has no history of compliance issues; however, based on a review of the ArcGIS concentration mapping data, there is one (1) short term rental (two, if the applicant's other request on this agenda is approved) operating within the required 600 foot buffer area and a total of two (three, if the applicant's other request on this agenda is approved) STRs operating within 1,000 feet surrounding the property – in total, a concentration of 0.68% of the dwelling units within the 1,000 foot buffer are being used for STRs.
- c. The applicant does not meet the any of the three provisions for relief set forth in Article 3-13(m) of the Zoning Ordinance.

7. **PLN-BOA-25-00007: RENTALS 4 RENT, LLC** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on a property located at 1021 Lane Allen Road. (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. No short term rentals in the area have been cited as a nuisance.
- d. There are no other short-term rentals within the required 600-foot buffer and the concentration of short-term rentals in 1,000 feet of the subject property is less than 2%.
- 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 eight (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-25-00008: NEWTOWN SPRINGS LLC** – requests a conditional use permit for a drive-through facilities for the sale of goods in a Neighborhood Business (B-1) zone, on a property located at 1425 Newtown Center Way. (Council District 1)

Note – The applicant has requested that this application be postponed to the March 10, 2025 meeting.

9. **PLN-BOA-25-00009: MB CONSTRUCTION LLC** – requests a conditional use permit for an un-hosted short term rental in a Townhouse Residential (R-1T) zone, on a property located at 485 Larkwood Drive. (Council District 7)

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.
- d. There are no other short-term rentals within the required 600-foot buffer and the concentration of short-term rentals in 1,000 feet of the subject property is less than 2%.
- 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 eight (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.

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

V. STAFF ITEMS - The Chair will announce that any items a Staff member wishes to present will be heard at this time.

VI. NEXT MEETING DATE - The Chair will announce that the next meeting date will be March 10, 2025 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.