

**AGENDA FOR THE BOARD OF ADJUSTMENT
MEETING**

April 14, 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 to be sworn in at this time.
- B. **Sounding the Agenda** - To expedite completion of agenda items, the Chair will sound the agenda regarding any postponements, withdrawals, and items requiring no discussion.
- C. **Variance Appeals**

1. **PLN-BOA-24-00184: AURELIA AND OSCAR ROMERO** – requests 1) a variance to increase the allowable size of all buildings accessory to the dwelling unit from 678 square feet to 1,809 square feet; 2) a variance to increase the allowable lot coverage (building footprint) for accessory buildings from 1,356 square feet to 1,809 square feet; and, 3) increase the allowable width of a driveway from ten (10) feet to twenty (20) feet to allow existing expanded driveways to remain as constructed and construct a new accessory structure within the defined Infill and Redevelopment Area in a Mixed Low Density Residential (R-2) zone on property located at 412 Price Road. (Council District 2)

The Staff Recommends: Approval of a lesser variance to a maximum of 1,352 square feet of accessory buildings size and allowable lot coverage (building footprint) for accessory buildings, 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 home will remain the visual focal point of the property along Price Road, with the accessory structures being located to the rear of the home, thus remaining subordinate to the principal use of the property as a single-family dwelling.
- b. There are special circumstances that justify the need for the requested variances. The subject property is significantly larger than any other lot in the vicinity and is able to accommodate the expanded amount of accessory space without conflicting with the character of development in the area.

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

1. Applicant shall submit a revised site plan that depicts no gravel, a reduction in the size of all accessory structures and removal of the second driveway. The existing driveway may split no less than 30 feet from Breathitt Avenue to allow a driveway of 20 feet in width to the proposed accessory garage.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection and Traffic Engineering prior to construction.

The Staff Recommends: Disapproval of a variance to increase the allowable width of a driveway from ten (10) feet to twenty (20) feet to allow existing expanded driveways to remain as constructed 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.
- 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 property's existing driveway configuration provides enough room for multiple vehicles.
 - c. The granting of this variance could allow an unreasonable circumvention of the requirements of the Zoning Ordinance as the applicant expanded their driveway without securing the proper paving permits and approvals.
2. **PLN-BOA-25-00028: GIBSON TAYLOR THOMPSON** – requests a variance to reduce the required side yard setback from five (5) feet to three (3) 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 407 E. High Street. (Council District 3)

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

- a. Granting the variance should not adversely affect the public health, safety, or welfare of the general vicinity, nor cause a hazard or nuisance to the public. The subject property is within the defined Infill and Redevelopment Area and the proposed structure features a side yard setback that is keeping with other structures in the immediate vicinity.
- b. Granting the variances will not result in construction that is out of character with the general vicinity. The abutting properties on E. High Street also have non-conforming side yard setbacks and have made additions to the primary structures in the past. Also, the addition will not be visible from High Street.
- c. The subject property narrows by approximately 15 feet between the front property line and rear property line, creating an odd-shaped lot. This reduces the amount of space in the rear yard available for expansion of the structure, and creates a unique circumstance not generally found in the immediate area.
- d. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The intent of the Infill and Redevelopment Area regulations is to allow new construction that is compatible with existing development patterns in older, established neighborhoods. The Zoning Ordinance specifically states that BOA action may sometimes be required in order to facilitate appropriate development without creating an unusual hardship or development that is incompatible with the existing pattern of the neighborhood. Additionally, the applicant has applied for the variances as soon as it was determined that they were needed, prior to starting 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. The applicant shall receive a Certificate of Appropriateness for the proposed improvements from the Board of Architectural Review or the Division of Historic Preservation.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.

3. **PLN-BOA-25-00036: LFUCG HOUSING AUTHORITY** – requests a variance to reduce the required group residential project exterior yard from twenty (20) feet to fifteen (15) feet in a Planned Neighborhood Residential (R-3) zone on property located at 1604 Versailles Road. (Council District 11)

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 proposed fifteen-foot (15') buffer should be adequate to provide separation between the adjoining uses and exceeds the typical rear yard for townhomes outside of a group residential project.
- b. The granting of these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the applicant has applied for the necessary variances as soon as it was determined that they were needed, and prior to beginning construction.

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

1. Construction shall be in accordance with the submitted application materials and site plan showing

- proposed handicap spaces located in the center of the parking area.
- 2. The applicant shall apply for a revised development plan approval with the Planning Commission.
- 3. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection and Traffic Engineering prior to construction.

D. Conditional Use Appeals

1. **PLN-BOA-25-00024: HENRY BURNETT ARMSTRONG** – requests a conditional use permit for a hosted short term rental in an Agricultural Rural (A-R) zone on property located at 4761 Mt. Horeb Pike. (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 and is screened from view from adjoining properties by existing vegetation.
- b. All necessary public services and facilities are available and adequate for the proposed use.
- c. There is no record of short term rental compliance issues with the applicant.
- d. No short term rentals in the area have been cited as a nuisance.
- e. The subject property is not located in census tract that has been identified as vulnerable to involuntary displacement based on socio-economic demographics.
- f. The septic facilities serving the use are sufficient to accommodate the proposed number of users.
- g. The property has adequate parking spaces (3) to accommodate the proposed number of users (2).
- h. The entrance to the property and the driveway is continuously lit and there are floodlights leading to and near the unit.
- i. There are adequate fire safety measures present in the unit, and the unit is located approximately 1,500 feet from an existing fire hydrant.
- j. There are no other short-term rentals within the one mile of the subject property.

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 two (2) individuals.
 - 3. Provisions for handling sewage shall at all times comply with the requirements of the Fayette County Health Department.
 - 4. The entrance to the property shall be lighted and easily visible from the roadway.
 - 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.
2. **PLN-BOA-25-00030: CANE MANOR LLC** – requests a conditional use permit for an un-hosted short-term rental in an Agricultural Rural (A-R) zone on property located at 2593 Berea Road. (Council District 12)

The applicant has requested that this application be postponed to the June 9, 2025 meeting.

3. **PLN-BOA-25-00031: SAMUEL COOPER** – 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 103 Edison Drive. (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.
- 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 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.

4. **PLN-BOA-25-00032: EMILY DAVENPORT** – requests a conditional use permit for an un-hosted short term rental in a Planned Neighborhood Residential (R-3) zone on property located at 784 Rambling Creek 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. The applicant quickly addressed a complaint by altering the minimum length of stay while they sought approval from the Board of Adjustment.
- 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 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.

5. **PLN-BOA-25-00033: CHRIS VANHOOSE** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone on property located at 364 Whitfield Drive. (Council District 4)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate 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. The applicant quickly addressed a compliance issue related to the length of time the dwelling unit was available to be rented to comply with the STR regulations and sought approval from the Board of Adjustment.

- 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 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-25-00035: COLONIAL HALL OF LEXINGTON LLC** – requests a conditional use permit for a hosted short term rental in an Agricultural Rural (A-R) zone on property located at 3921 Military Pike. (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 and is located over 250 feet from the nearest adjoining property.
- b. All necessary public services and facilities are available and adequate for the proposed use.
- c. There is no record of short term rental compliance issues with the applicant.
- d. No short term rentals in the area have been cited as a nuisance.
- e. The subject property is not located in census tract that has been identified as vulnerable to involuntary displacement based on socio-economic demographics.
- f. The septic facilities serving the use are sufficient to accommodate the proposed number of users.
- g. The property has adequate parking spaces (2) to accommodate the proposed number of users (2).
- h. The entrance to the property and the driveway is well-lit and visible from the road.
- i. There are adequate fire safety measures present in the unit, and the unit is located approximately 1,000 feet from an existing fire hydrant.
- j. There are no other short-term rentals within the one mile of the subject property.

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 two (2) individuals.
3. Provisions for handling sewage shall at all times comply with the requirements of the Fayette County Health Department.
4. The entrance to the property shall be lighted and easily visible from the roadway.
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.

E. Administrative Appeal

1. **PLN-BOA-24-00214: FRM LAWSON, LLC** – requests an administrative appeal of a decision of the Division of Building Inspection that a principal structure is not present on the subject property. This is an appeal of Article 8-22(b) of the Zoning Ordinance on property located in the Light Industrial (I-1) zone at 404 Alexandria Drive. (Council District 11)

The Staff Recommends: **that the decision of the Division of Building Inspection Staff be upheld**, for the following reasons:

- a. The applicant has not demonstrated that the mobile office on site meets the requirements of a permanent structure, and without a principal structure or use on-site, accessory storage is not

permitted.

- b. A temporary structure that does not meet the requirements of the Kentucky Building Code cannot be considered a permanent structure.

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 May 12, 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.