

**MINUTES FOR THE BOARD OF ADJUSTMENT MEETING**

June 9, 2025

- I. **CALL TO ORDER** - The Chair called the meeting to order at 1:30 p.m. in the Council Chambers, 200 East Main Street, Lexington, Kentucky.

- a. **II. ATTENDANCE** – Board members present were: Raquel Carter, Harry Clarke, Branden Gross, Linda Tucker, James Persley, Chad Walker and Bob Sturdivant. Others present were: Brittany Smith, Department of Law; Joseph Edmiston, Division of Traffic Engineering; Dakota Farrington, Division of Revenue; and Beth Overman; Purchase of Development Rights Program. Planning staff members present were: Traci Wade, Dalton Belcher, James Mills and Patti Haley.

- III. **APPROVAL OF MINUTES** - Ms. Carter announced that the minutes from the , 2022 meeting would be considered for approval at this time.

**VI. PUBLIC HEARING ON ZONING APPEALS**

- A. **Swearing of Witnesses** - The Chair announced that any applicant or objector, or anyone in the audience who planned to speak to any appeal before the Board, would please stand in order to be sworn in at this time. The Oath was administered to several people in the audience at that time.
- B. **Sounding the Agenda** - In order to expedite completion of agenda items, Chair Carter sounded the agenda regarding any postponements, withdrawals, and items requiring no discussion.

**Postponements**

1. **PLN-BOA-25-00030: CANE MANOR LLC** – requested 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)

**NOTE:** *The Applicant has requested a postponement to the July 14, 2025 meeting.*

**Action** – Ms. Tucker made a motion, seconded by Mr. Sturdivant; motion passed 7–0 to Postpone **PLN-BOA-25-00030: CANE MANOR LLC** – requesting 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 until the meeting on August 12, 2025.

2. **PLN-BOA-25-00011: KY-263 2FRIENDS LLC** – requested variances to 1) increase the allowable height of a billboard from forty (40) feet to forty-five (45) feet and 2) reduce the required setback between a billboard and a residential zone from one-hundred and fifty (150) feet to seventy (70) feet in a Corridor Business (B-3) zone, on property located at 1200 Winchester Road. (Council District 1)

**NOTE:** *The Applicant requested a postponement to the August 11, 2025 Meeting.*

**Action** – Ms. Tucker made a motion, Mr. Sturdivant seconded the motion; motion carried 7-0 to Postpone **PLN-BOA-25-00011: KY-263 2FRIENDS LLC** – requesting variances to 1) increase the allowable height of a billboard from forty (40) feet to forty-five (45) feet and 2) reduce the required setback between a billboard and a residential zone from one-hundred and fifty (150) feet to seventy (70) feet in a Corridor Business. The plan was postponed to the August 12, 2025 meeting.

2. **PLN-BOA-25-00048: JAMES MASTIN** – requested a variance to reduce the required side yard setback from five (5) feet, eleven (11) inches to three (3) feet, two (2) inches within the defined Infill and Redevelopment Area in a Planned Neighborhood Residential (R-3) zone, on property located at 467 Johnson Avenue. (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, nor alter the character of the general vicinity. The requested setback will be similar to other setbacks in the area, and the addition will not be visible from any public rights-of-way.
- b. The size and configuration of the lot is a special circumstance that justifies the need for the variance, as it is narrower and shallower than many of the lots in the immediate vicinity.
- c. The requested variance is generally reasonable, as it will continue an existing non-conforming setback for a modestly sized addition, replacing portions of a structure that has fallen into disrepair. Granting the variance will allow the applicant to update and utilize a small amount within the Infill & Redevelopment Area better by adding features that are more desirable in the current housing market.
- d. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The proposed addition will be compatible with the existing development pattern in the neighborhood. The Zoning Ordinance specifically states that Board of Adjustment action may sometimes be required 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 variance as soon as it was determined that one was needed during the permit process, 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 Division of Building Inspection prior to construction and occupancy.

Application Representation – James Mastin (applicant) was present to represent the application. Chair Carter confirmed that Mr. Mastin had reviewed and was agreeable to the 2 conditions recommended by the Staff.

Action – Mr. Clarke made a motion, seconded by Mr. Persley; motion passed 7-0 to **approve PLN-BOA-25-00048: JAMES MASTIN** – requesting a variance to reduce the required side yard setback from five (5) feet, eleven (11) inches to three (3) feet, two (2) inches within the defined Infill and Redevelopment Area in a Planned Neighborhood Residential (R-3) zone, on property located at 467 Johnson Avenue, based on the recommendations made by Staff, and subject to the two conditions listed.

3. **PLN-BOA-25-00052: DISTINCTIVE DESIGN REMODELING** – requested a variance to reduce the required side street side yard setback on a corner lot from thirty-five (35) feet to thirty (30) feet in order to construct an accessory structure in a Single Family Residential (R-1C) zone, on property located at 627 Lane Allen Road. (Council District 10)

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 detached garage will have a side yard setback that is keeping in line with the front setback of other structures in the immediate vicinity.
- b. 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.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.

Application Representation – Brandee Smith (applicant) was present to represent the application.

- a. Granting the lesser variance should not adversely affect the public health, safety, or welfare of the general vicinity, nor cause a hazard or nuisance to the public as the footprint would generally match the original footprint of the deck and the deck should have little visual impact on the surrounding properties as it is located on the rear of the structure.
- b. Granting the variance will not result in construction that is out of character with the general vicinity as it would replace the original deck that existed for three decades.

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

1. Construction shall be in accordance with an updated site plan submitted to the Division of Planning and Building Inspection.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.

Staff Presentation – Mr. Mills stated that the existing deck for this property was non-compliant. He stated that the Staff recommended disapproval of the request to reduce the side yard setback from five (5) feet to zero (0) feet, because the requested setback could impede Fire and Emergency Services. Mr. Mills stated that there were no special circumstances that are unique to land in the general vicinity. Mr. Mills continued that the previous deck impeded property lines on both sides; however, the previous rear deck setback was eight feet (but the deck went over the HOA green space so the deck needed to be cut back). Mr. Mills explained that the Staff recommended a lesser variance from ten feet to eight feet for rear setback to keep part of the nonconforming area without having to cut the deck down to a three-foot deck without a variance. Mr. Mills stated that a lesser variance would not adversely affect the health, safety and welfare of the general vicinity and the variance will not result in construction that is out of character with the general vicinity, as it will replace the original deck that existed for three decades.

Board Questions and Comments – Chair Carter asked if the Staff was recommending the lesser variance to allow the applicant to keep the new deck the same size as the original deck. Mr. Mills explained that the eight-foot setback was nonconforming but by expanding on the south side instead of the north side, they could avoid encroaching on the side yard setback.

Application Representation – Mr. Hajar was present to represent his application. He stated that the original deck was 30 years old and beginning to rot. Mr. Hajar hired a builder who applied for the permits. At that time, he stated that the builder was instructed to acquire the variances and encroachment agreements prior to building the deck. Mr. Hajar stated that the builder chose to hide this information from him. The builder did not obtain the proper approvals, tore down the deck and constructed the new deck incorrectly. The builder has since moved out of state, and Mr. Hajar has filed a claim against him. He stated that he had received written permission from the HOA for this project. He requested that the Board consider the side yard variance. He stated that the fire department had been out to exchange fire alarms and the sergeant assessed the emergency exits in the home. Mr. Hajar states that the most likely areas for a fire – the kitchen and mechanical room - were located at the front of the house; the best option would be exiting through the large sliding door onto the deck, which expands into the open space and has steps going onto the side yard.

Mr. Hajar stated that the properties in the neighborhood were close together and he provided pictures showing that there were several other properties with a zero-foot side yard setback in close proximity to his home. Mr. Hajar further requested that the Board consider a zero-foot setback in the back, as at least 700 feet of HOA greenspace would remain in between the deck and the nearest neighbor. He stated that reducing the yards to zero would not adversely affect the health, safety and welfare of the general vicinity, has little visual impact on surrounding properties and would not require undue construction that is out of character with the general vicinity. Mr. Hajar stated that to bring the deck into compliance with the current setback requirements, it would require that the deck be rebuilt at a cost of \$7,500 for the applicant.

Citizen Comments – Alis Gawthrop (652 Andover Village Place) stated that she lived seven houses away from the applicant. She had bought, resided in and renovated several properties on the street and stated that she had a good understanding of the engineering of the area. She stated that due to the fact that the lots backed up to a golf course, lots were not straight or “typical”. Some neighbors live 30 feet away from the next property and several times, the neighbors end up with decks/stairs running right along the side property line.

2. **PLN-BOA-25-00037: CHERISH THE CHILD DAYCARE (AMD)** – requested a conditional use permit to amend an existing conditional use for a childcare center to construct an addition to the principal structure in a Planned Neighborhood Residential (R-3) zone, on property located at 474 Stone Road. (Council District 10)

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

- a. Approval of the expansion to an existing conditional use should not adversely affect the subject or adjoining/nearby properties, provided that all necessary permits and approvals are made. Proposed activities on the site are similar to the activities which have occurred on the site since the 1980s as a church and a childcare center. Additionally, such activities will occur during normal business hours throughout the week.
- b. All necessary public services and facilities are or will be available and adequate for the proposed use. The applicant has adequate off-street parking spaces for the number of employees, space for drop-off and pick-up of children, and the enclosed play area is sufficient to handle the number of children on-site.

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

1. The childcare use shall be conducted in accordance with the submitted application materials and site plan.
2. The applicant shall amend the existing final development plan in accordance with Article 21 of the Zoning Ordinance.
3. All necessary permits, including a Zoning Compliance Permit and a Certificate of Occupancy, shall be obtained.
4. The applicant shall meet all the requirements of Article 16 for vehicular use areas.
5. The days and hours of operation shall not exceed Monday through Friday, from 7:00 a.m. to 6:00 p.m. without further approval by the Board of Adjustment.
6. The childcare facility shall be limited to a maximum enrollment of 100 children.
7. A fenced and screened play area, containing a minimum of 25 square feet per child, shall be provided.
8. The facility shall be fully licensed and comply with requirements of the Kentucky Cabinet for Health and Family Services, Division of Regulated Child Care.

Application Representation – James Clay Waller (Applicant) was present to represent the application. Ms. Carter confirmed that the applicant was agreeable to the Staff's recommendations and conditions.

Citizen Comments – Jean Barnett (340 Stonegate Way) stated that she was unable to discuss her concerns with Mr. Waller due to a busy month. She stated that she works in a shed in her yard and if they cannot come to an agreement, she will lose her view and/or may have to put up a privacy fence. She was already concerned about the current noise level, which would obviously be much worse with higher enrollment at the daycare center. She was also concerned about additional parking but felt that it could be resolved.

Michelle Burke (305 Stonegate Way) stated that her two concerns were the increased noise level and the effect on traffic. She was concerned that traffic would back up onto her street at drop-off and pick-up times with the increase in enrollment.

Board Questions and Comments – Mr. Sturdivant asked for clarification of the locations of Ms. Barnett and Ms. Burke's properties. The site map was displayed to clarify.

Applicant Rebuttal – Mr. Waller stated that there were currently 70 students enrolled, and two families with children at the daycare center that are requesting spots for additional siblings, so they can keep their children together for childcare. They are looking to make space for less crowded classrooms, and plan to only add about 25 children. Mr. Waller stated that the street barely backs up with traffic, but there is a plan to have people use a circle drop-off, instead of pulling in and out.

Board Questions and Comments – Mr. Sturdivant confirmed with the applicant that there were other options to keep traffic flowing. Mr. Waller stated that there are almost always open parking spots. Mr. Gross confirmed that the applicant was agreeable to the conditions recommended by staff, along with an additional condition that requires a solid 6-foot tall privacy fence on the north side of the property. Mr. Waller responded affirmatively.

the property. Mr. Mills said the band would not be on the rooftop but would be playing indoors and the live music would be played through the rooftop speakers. Mr. Mills stated that this would be considered 'live' entertainment, as far as the land use is concerned. Mr. Gross also clarified that the Tin Roof played 'live music' on the ground level patio. Mr. Gross mentioned that the Native Café was allowed to play live music if it was not amplified.

Applicant Representation – John Woodall, attorney, was present to represent the applicant. He indicated that Bill Ransdell (applicant) had been operating restaurants in Lexington since 1986. Mr. Woodall explained that the applicant sent out letters to surrounding neighbors and invited them to a meeting where the applicant explained the plan for the patio. Mr. Woodall stated that Two Fisted Willies would employ one acoustic guitar player to perform on the outside deck seasonally while the deck was open, and that performances would not extend past 10 pm.

Board Questions and Comments – Mr. Gross asked Mr. Woodall to confirm that an acoustic guitar and speaker meant that the music would be amplified. Mr. Woodall confirmed the acoustic guitar would be amplified by a speaker. He noted that as an acoustic guitar player himself, there was a sound level that a guitarist would not want to go over, which was within the 90 decibel limit that was being proposed. Mr. Sturdivant asked Mr. Woodall if he had a photo of the exact area where the guitarist would perform. Mr. Woodall displayed a photo on the overhead. Mr. Sturdivant asked if the musician would be playing under the overhang. Mr. Woodall said that they could do that. The musician would be playing right against the wall of the patio. Ms. Tucker asked how many people the deck holds. Mr. Ransdell stated that the deck could hold 100 to 125 people. Ms. Tucker asked if the 100 + people would be competing with the guitar to be heard. Mr. Ransdell stated that the music would be at a set level so that it would not require people to speak louder to hear each other. Mr. Woodall stated that the shopping center was in major disrepair, and the applicant had transformed the property significantly. Mr. Gross requested the site plan be displayed overhead again and asked if the music would be playing unbuffered toward Euclid Avenue. Mr. Woodall confirmed it would. Mr. Sturdivant noted that the 90 degree wall that the musician would be playing next to would direct the sound away from the residential area.

Citizen Comments – Lauren Gawthrop (361 Woodland Ave) stated that there is significant noise in her neighborhood that has rarely ever led to a citation. She stated that she felt that there would be little recourse for the noise disturbance if this plan was approved. She stated that the noise on a rooftop without a buffer would be significant. She mentioned that she owned and operated a short term rental unit (STR) right next door to her home and the current noise already significantly affected her ability to rent out the STR. She requested that the Board support the Staff's recommendation to disapprove the conditional use.

Hannah LeGris (Council Member for District 3) stated her support of the Staff's disapproval recommendation. She said she was there to represent her many constituents that had contacted her with their concerns about the proposed plan. She expressed concern for the quality of life for residents in the area surrounding the property. She stated that she had received many complaints about noise from the property even without the outdoor music. She stated that she was very concerned about the added noise that the outdoor music would create without any buffer, especially since the property was in a heavily residential area. She stated that this would be very disruptive to the surrounding neighbors. She urged the Board to support the Staff's recommendation.

Mary Auarlez (345 Woodland Ave) stated that this outdoor music would negatively affect her life as well as the lives of her neighbors.

Jim Thomerson (372 Transylvania Park) stated that his property was a block from Two Fisted Willies. From the second level of his home, he can look directly at the lights of the property. He feels like outdoor live music will change the character of the neighborhood. He asked the Board to support the recommendation of the Staff.

Debra Hensley (357 Transylvania Park) stated that the noise created by the outside music would be a disruption to many people.

Mark Dixon (344 Transylvania Park) supported the statements of his neighbors.

Application Rebuttal – Mr. Woodall stated that the outdoor music would only consist of one acoustic guitar. Mr. Woodall also stated that the applicant would be flexible with hours and sound level.

Applicant Rebuttal – Mr. Southall stated that he could bring these issues to the attention of the applicant. He suggested that he could encourage the applicants to meet with neighbors to discuss some of these issues. Mr. Southall stated that it would be a considerable expense to install fencing around the entire property. It would entail putting up fencing for about 3/4 of a mile. Mr. Southall felt pursuing discussions with the neighbors on how to better police the area would be better.

Board Questions and Comments – Ms. Tucker stated that the proposal had merits, but she also stated that providing a barrier for the neighbors would also be worthwhile. Mr. Sturdivant asked Mr. Southall if there were currently any privacy fences at the back of the property. Mr. Southall stated that he believed there were some, but not consistently. Mr. Sturdivant asked the applicant about the 'plunge pool' proposed; Mr. Southall explained that it was an energy disbursement tool to help to avoid erosion. Mr. Clarke noted that the fact that the property had gone through a feasibility study and obtained a grant was a very large accomplishment for the applicant. Mr. Persley asked if the applicant would be willing to put up trees or other type of barriers between the property and the neighbors. Mr. Southall felt it would be better to engage the public in finding a solution.

Mr. Gross asked Mr. Southall if the grant that they received would include the second phase for the area at the back of the property. Mr. Southall stated that it would not, but they included it to avoid having to keep coming before the Board for permission for every phase, if additional funds were acquired. Mr. Gross suggested that they deal with the proposed phase 1 and 2, and work with the neighbors if phase 3 became possible. Mr. Southall stated that he believed that the applicant would be okay with the applicant getting approval for the first two phases at this point.

Chair Carter called a brief recess at 4:22 PM.

Chair Carter reconvened the meeting at 4:30 PM.

Action – Mr. Sturdivant made a motion to approve an amended plan, removing the proposed improvements to the west area identified as phase 3 on the plan, subject to a revised site plan. Mr. Persley seconded the motion, which carried 7- 0 to **Approve PLN-BOA-25-00060: WESLEY UNITED METHODIST CHURCH** – requesting to amend an existing conditional use permit for a place of religious assembly in an Agricultural Urban (A-U) zone, on property located 1825 Russell Cave Road, subject to the Staff's recommendations, the revised plan and site plan and subject to conditions listed.

Note: Mr. Walker left the meeting at this time and recused from any discussion as a Board member on his application.

5. **PLN-BOA-25-00041: CHAD WALKER** – requested a conditional use permit for a hosted short-term rental in an Agricultural Rural (A-R) zone, on property located at 5167 Briar Hill Road. (Council District 12)

The Staff Recommends: Disapproval, for the following reasons:

- a. The property is subject to a Purchase of Development Rights ("PDR") easement which prohibits the use of the property as a short term rental. Until or unless the Rural Land Management Board, in conjunction with the Natural Resources Conservation Service finds that a short term rental does not violate the easement language, no permission should be granted to such a use.

Staff Presentation – Mr. Belcher stated that there was no notice of violation, as had been earlier stated by Staff, however Mr. Belcher stated that this had no impact on the Staff's decision for disapproval of the plan. Mr. Belcher displayed on the overhead an aerial view of the property, as well as photos of the property. Mr. Belcher stated that the property does not have another STR within 1,000 feet, which is the buffer for all agricultural properties. Mr. Belcher stated that the disapproval was based on the fact the property has a PDR easement which prohibits the use of the property as a STR.

Mr. Belcher was interrupted by Chris Clendenen (attorney for the applicant) who stated that if Mr. Belcher was going to proceed with the argument that the STR was not allowed due to the PDR easement agreement that prohibits STRs on agricultural properties, then we wanted to register his objection. Mr. Clendenen stated that the Staff did not have the legal authority to make that determination. He stated that there was a contract made between the Rural Land Management Board, Mr. Walker and his spouse. He stated that any dispute had to be heard by a court of 'competent

Mr. Walker had contacted the PDR initially, perhaps this issue would have been resolved instead of being heard at the Board of Adjustment meeting. She stated that the PDR program required that PDR owners must communicate with them if they want to do certain things with their properties. Ms. Overbeck stated that the PDR program was not aware that the property was being used as an STR since 2019. The Zoning Ordinance only allows owners, family members and farm workers to reside on the PDR properties. STRs were prohibited on properties with PDR easements. She stated that the PDR is not just a contract; it is perpetual and runs with the property forever. She referenced the Zoning Ordinance Section 5 of the easement which stated that commercial and industrial uses of the property were prohibited. Ms. Overman had a conference call with NRCS recently: they pointed out Section K, any unanticipated use of the property that would inhibit significant conservation interests. Ms. Overman cited Section 5 (s) of the easement, which prohibited seasonal or commercial use of the property. She displayed an email on the overhead that Mr. Walker received from the NRCS Director of Easements, Brian Jones, which stated that based on the recorded deed for Mr. Walkers property, STRs were prohibited.

Applicant Rebuttal – Mr. Clendenen stated that decision regarding PDRs and STRs has not yet been adjudicated in court. Mr. Clendenen requested that the Board disregard the PDR when deciding, because there had not been any determination about how PDR would be treated under the new Ordinance. Mr. Walker stated that he was contacted by Ms. Overman from Rural Land Management stating he could not use the property as an STR. Mr. Walker stated that to his knowledge Rural Land Management program had not communicated with NRCS. He contacted NRCS and was told that they would be meeting with Rural Land Management Board staff. He requested to be present at these meetings, but his request was denied. After that, he received a letter stating that his STR application had been denied.

Someone for NRCS spoke with Mr. Walker and pointed out the language stating he could not have a permit for an STR. Ms. Overland stated that she spoke with this person after speaking with Mr. Walker.

Citizen Comments - Jill Walker (Spouse of Applicant) gave some information about the STR, including the wildlife, and the activities offered to guests. She stated that they got nothing less than 5 star reviews. She stated that she did not understand why there was an issue with the STR.

Board Questions and Comments – Mr. Gross asked Mr. Clendenen if it would be more prudent to submit a Declaration or pursue a continuance and then come back to the Board.

Chair Carter called for a short recess at 5:35 PM.

Chair Carter called the meeting back in session at 5:46 PM.

Mr. Clendenen stated that the applicant would be willing to pursue a continuance, due to fact that they will be meeting with the NRCS, and they may have the PDR issue settled. However, Mr. Clendenen stated that the applicant was concerned about the fact that there was another applicant within a while who filed for a STR in the A-R zone within one mile of their property. He requested that the Board do something to protect the applicant's place in line. Ms. Tucker asked what the goal of the continuance was; Mr. Clendenen stated that they would like to come to an agreement with the NRCS, and if that failed, perhaps a lawsuit would be filed.

Board Questions and Comments – Will Matthews (Legal Representative for the applicant for **PLN-BOA-25-00059: HR DAVIS REAL ESTATE LP**) was called to the podium. He stated that the applicant was not willing to postpone their case because Mr. Walker was waiting for a decision on his PDR easement. He stated that the applicant he represented did not have a PDR easement and was not willing to postpone the case.

Citizen Comments - Bruce Simpson (Legal Representative for an Objector to **PLN-BOA-25-00059: HR DAVIS REAL ESTATE LLP**) stated that he felt that the case should be postponed until Mr. Clendenen's case is decided. Ms. Overman stated that Mr. Walker's STR would not get approved. Mr. Clendenen requested a 30-day continuance without losing his place in the STR queue.

Unit 6. (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. 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 four (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.

Applicant Representation – Lorelee Trim was present to represent the application. Chair Carter confirmed that Ms. Trim was agreeable to the conditions listed.

Action – Mr. Gross made a motion, seconded by Mr. Persley; motion carried 7–0 to **Approve PLN-BOA-25-00054: LORALEE TRIM** – requesting a conditional use permit for an un-hosted short term rental in a Planned Neighborhood Residential (R-3) zone, on property located 401 Redding Road, Unit 6, in support of Staff's recommendations and subject to the conditions listed.

8. **PLN-BOA-25-00056: JONATHAN ROLLINS** – requested a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 2116 Clays Mill Road. (Council District 10)

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

1. 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.
2. 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 are two (2) short term rental units operating within the required 600-foot buffer area.
3. The applicant does not meet any of the three provisions for relief set forth in Article 3-13(m) of the Zoning Ordinance.

Staff Presentation – Mr. Belcher used the overhead to display maps and photos of the site. Mr. Belcher reviewed the relief provisions established by the Zoning Ordinance for a STR. Mr. Belcher stated that the Staff found that the plan did not meet any of the relief provisions.

Board Questions and Comments – Mr. Gross asked Mr. Belcher for clarification on the percentage allowed of STRs. Mr. Belcher stated that you could not have another STR within 600 yards and could not have over two percent of the properties as STRs within a 1,000 foot radius.

Applicant Representation – Jonathan Rollins (Applicant) was present to represent the application. He stated that he was going back and forth from Morehead and would like to use his current home occasionally for an STR. He said he would be staying at the house and renting it out only when he was not in town. He stated that he will be residing full-time at the residence in 3 years. He works and socializes in Lexington. Mr. Rollins provided his own version of the map showing the 600 foot buffer and 1,000 foot buffer on the overhead. He stated that he met all requirements of Ordinance 3–13 (g), and that the saturation of STRs within 1,000 feet of his property was less than 2%. He stated that

located at 5167 Briar Hill Road prior to hearing **PLN-BOA-25-00059: HR DAVIS REAL ESTATE LP** requesting a variance to reduce the spacing requirements between short-term rentals from one (1) mile (5,280 feet) to 2,100 feet and a conditional use permit for an un-hosted short term rental in an Agricultural Rural (A-R) zone, on property located at 4901 Briar Hill Road. Chair Carter asked the applicant if they were requesting a postponement of this plan. William Matthews, legal representative for the applicant, stated that the applicant was not requesting a postponement of the case. Chair Carter stated that the applicant and citizens would be heard, and a decision for postponement would be made after this occurred.

Application Representation – Mr. Matthews stated that the Staff said this case met all criteria, and he did not understand why the Board needed to delay a decision until the other case was resolved.

Board Comments and Discussion – Mr. Gross stated that he would support a Continuance of this case.

Citizen Comments – Mr. Simpson stated that he felt the Board should Postpone a decision for one month while making the Staff Report available to all affected. Tiffany Valadez stated that she felt like she could not support or choose not to support this case because there was not enough information provided/available for neighbors.

Application Rebuttal – Mr. Matthews inquired to the Staff stating that they did not get the sewer inspected correctly. He stated that there were several failed attempts to get the city to help. They were told that the city did not do these inspections. Mr. Belcher stated that the city had a list of approvable vendors, and he would forward the list to the applicant. The owner of the property stated that they did have an inspection that was sufficient, according to the Health Department. Ms. Wade stated that the Planning Division required more information for the sewer requirements to be met. She was also concerned about disturbance to neighbors. Mr. Gross and Ms. Carter informed her that

Action – Mr. Gross made a motion, seconded by Ms. Tucker and motion carried 6-0 (Mr. Walker recused himself) to **Continue PLN-BOA-25-00059: HR DAVIS REAL ESTATE LP** - requesting a variance to reduce the spacing requirements between short-term rentals from one (1) mile (5,280 feet) to 2,100 feet and a conditional use permit for an un-hosted short term rental in an Agricultural Rural (A-R) zone, on property located at 4901 Briar Hill Road to the July 14, 2025 Board meeting.

**V. BOARD ITEMS** – The Chair asked if there were any Board Items a member wished to present.

There were none at this time.

**VI. STAFF ITEMS** - The Chair asked if there were any Staff Items to discuss.

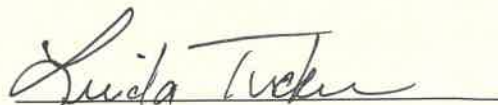
There were none at this time.

**VII. NEXT MEETING DATE** - The Chair announced that the next meeting date will be July 14, 2025 at 1:30 p.m. in Council Chambers, 2<sup>nd</sup> Floor, 200 E. Main St., Lexington, KY 40507.

**VIII. ADJOURNMENT** - As there was no further business, the Chair declared the meeting adjourned at 6:34 PM.



Bob Sturdivant, Chair



Linda Tucker, Secretary