

MINUTES FOR THE BOARD OF ADJUSTMENT MEETING

August 11, 2025

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

II. **ATTENDANCE** - Board members present were Harry Clarke, Branden Gross (arrived at 1:45 pm), Bob Sturdivant (Chair), Linda Tucker, Chad Walker, and James Persley. Planning Staff members present were Traci Wade, Daniel Crum, Dalton Belcher, James Mill and Patti Haley. Others present were Brittany Smith, Department of Law; Joseph Edmiston, Division of Traffic Engineering and Josh Dezarn, Division of Engineering.

III. **APPROVAL OF MINUTES**

The January 2025 and February 2025 meeting minutes were considered at this time.

A. **January 2025 Minutes**

Action – Ms. Tucker made a motion, seconded by Mr. Persley; motion carried 5-0 (Mr. Gross absent) to approve January 2025 minutes.

B. **February 2025 Minutes**

Action – Ms. Tucker made a motion, seconded by Mr. Persley; motion carried 5-0 (Mr. Gross absent) to approve February 2025 minutes.

IV. **PUBLIC HEARING ON ZONING APPEALS**

A. **Swearing of Witnesses** - Chair Sturdivant announced that any applicant, objector, or anyone in the audience who planned to speak to any appeal before the Board, should stand to be sworn in. Several people were sworn in at this time.

B. **Sounding the Agenda** - In order to expedite the completion of agenda items, Chair Sturdivant 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 had previously requested a postponement to the September, 2025 meeting.*

Action – Ms. Tucker made a motion, Mr. Clarke seconded the motion; motion carried 6-0 (Gross absent) to **Postpone 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.

2. **PLN-BOA-25-00090: TOM SULKOWSKI** – requested variances to 1) reduce the required front yard setback from twenty (20) feet to four (4) inches and 2) reduce the required side yard setback from three (3) feet to four (4) inches in a Townhouse Residential (R-1T) zone, on property located at 1368 Deer Lake Circle. (Council District 8)

NOTE: *The Applicant requested a postponement to the September 8, 2025 meeting.*

Action – Ms. Tucker made a motion, seconded by Mr. Clarke; motion carried 5-0 (Gross absent) to **Postpone PLN-BOA-25-00090: TOM SULKOWSKI** – requested variances to 1) reduce the required front yard setback from twenty (20) feet to four (4) inches and 2) reduce the required side yard setback from three (3) feet to four (4) inches in a Townhouse Residential (R-1T) zone, on property located at 1368 Deer Lake Circle until the September 8, 2025 meeting.

C. Abbreviated Hearings

1. **PLN-BOA-25-00088: COMMUNITY VENTURES PROPERTIES, LLC** – requested a variance to reduce the required front 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 236 Race Street. (Council District 1)

The Staff Recommends: Approval, for the following reasons:

- a. Granting the variance should not adversely affect public health, safety, or the 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 front 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 surrounding properties along Race Street also have a variety of non-conforming front yard setbacks.
- c. 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. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.

Application Representation – Bart Horne was present to represent the applicant. Chair Sturdivant confirmed that he agreed to the conditions recommended by the Board.

Action – Mr. Clarke made a motion, seconded by Mr. Persley; motion carried 6-0 to **approve PLN-BOA-25-00088: COMMUNITY VENTURES PROPERTIES, LLC** – requesting a variance to reduce the required front 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 236 Race Street.

2. **PLN-BOA-25-00092: KENTUCKY TRAINING CENTER, LLC a/k/a THE THOROUGHBRED CENTER** – requested to amend a conditional use permit in order to replace and convert an existing structure accessory to a horse racetrack and training facility in an Agricultural Rural (A-R) zone, on property located at 3380 Paris Pike. (Council District 12)

The Staff Recommends: Approval, for the following reasons:

- a. Granting a modification to the existing conditional use for the training facility should not adversely affect either the subject property or surrounding properties. The Kentucky Training Center has operated in this location for many years, and the proposed food pantry and laundry will improve the operation of the facility and will provide an opportunity to help support the staff present on-site.
- b. All necessary public facilities are available and adequate to serve the training use, including the modest change of use of the accessory structure.

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.
3. Use of the facility shall be limited to the employees/workers at the training center and their families. The use shall not be made available to the general public.

Application Representation – Nick Nicholson, attorney, was present to represent the application and confirmed that he agreed to the conditions recommended by the Board.

Action – Mr. Gross made a motion, Ms. Tucker seconded the motion; motion carried 6–0 to **approve PLN-BOA-25-00092: KENTUCKY TRAINING CENTER, LLC a/k/a THE THOROUGHbred CENTER** – requesting to amend a conditional use permit in order to replace and convert an existing structure accessory to a horse racetrack and training facility in an Agricultural Rural (A-R) zone, on property located at 3380 Paris Pike as recommended by the Staff and based the conditions listed.

D. Discussion Items

1. **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)

The Staff Recommends: **Approval** of the requested variance to increase the allowable height of a billboard from forty (40) feet to forty-five (45) feet, 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 an area that permits billboards, and the extra five (5) feet of height would allow for better visibility of the billboard without negatively impacting adjoining properties or the existing overhead utility lines.
- b. The granting of the height 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, prior to beginning construction.

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

1. The billboard is relocated to the front of the property abutting Winchester Road.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.

The Staff Recommends: **Disapproval** of the requested variance to reduce the required setback between a billboard and a residential zone from one hundred and fifty (150) feet to seventy (70) feet, for the following reasons:

- a. 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 lot is a typical corner lot, similar to others in the vicinity.
- b. Disapproval of the variance will not deprive the applicant of the reasonable use of their land or create an unnecessary hardship. The applicant could place the billboard in a different location on the property that would not necessitate a variance and reduce the proximity to the nearby residential zone.

Staff Presentation – Mr. Belcher stated that the back portion of the property is where the sign is being proposed. This part of the property is adjacent to residential zoning. Staff recommends approval of the variance to increase the sign height to forty-five (45) feet for the reason listed in the staff report and on the agenda. This was based on moving the billboard to the area in front of the property where it abuts Winchester Road. The Staff recommended disapproval of the variance to the setback from the residential zone from one hundred and fifty (150) feet to seventy (70) feet because there were no special circumstances unique to the property and disapproval will not deprive the applicant of reasonable use of the land.

Board Questions and Comments – Mr. Gross asked which buildings were commercial vs. residential; he wondered if the properties were non-conforming. Chair Sturdivant asked if the billboard was one or two sided. Mr. Belcher stated that it was two-sided. Mr. Clarke asked if the billboard being moved to the front would require them to adhere to the twenty (20) foot setback. Mr. Dalton said they would, but there were other locations in front of the property to place the sign.

Applicant Representation – Lauren Bunting and Chris Rassel were present to represent the application. Ms. Bunting stated that they had postponed the application from July to August to see if their Operations team could locate another site on the front of the property, and there were none. She stated that they would have been required to request another variance and there was a drive-thru that goes through the parking lot. Ms. Bunting stated that they would put a screen on the back to avoid residents having to view the sign.

Board Questions and Comments – Ms. Tucker confirmed that the billboard would be for businesses that were off-site. The representative agreed that was the case.

Staff Rebuttal – Mr. Belcher stated that the only conflict with the proposed sign location was based on it backing up to residential properties. Mr. Belcher stated that they could request a continuance if they wanted to request a variance on the twenty (20) foot setback in front.

Applicant Rebuttal - Ms. Bunting stated that they could not place the sign in front due to the powerline. Mr. Rassel stated that there would be no lights on the sign, so it would not contribute to light pollution, and there were strict restrictions on the content of the billboard – it would be ‘family friendly’. Mr. Clarke asked for clarification on why they were putting a sign up for a business not on their site. They stated that the location lends itself to traffic passing through to view it, and it would mean additional revenue for the business.

Action – Ms. Tucker made a motion, seconded by Mr. Persley; motion carried 6–0 to **approve PLN-BOA-25-00011: KY- 263 2FRIENDS LLC** – requesting variance to increase the allowable height of a billboard from forty (40) feet to forty-five (45) feet in a Corridor Business (B-3) zone, on property located at 1200 Winchester Road, as recommended by staff and the conditions listed.

Action - Ms. Tucker made a motion, seconded by Mr. Persley; motion carried 6–0 to **disapprove PLN-BOA-25-00011: KY- 263 2FRIENDS LLC** requesting a variance to 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, as recommended by staff.

2. **PLN-BOA-25-00074: TAMARA ROBINSON** – requested variances to reduce the required side street side yard setback of a corner lot from thirty-five (35) feet to twenty (20) feet and increase the allowable width of driveways from twenty-four (24) feet to forty-five (45) feet within a Neighborhood Design (ND-1) Overlay in a Single Family Residential (R-1C) zone on property located at 303 Cochran Road. (Council District 5)

The Staff Recommends: **Withdrawal** of the Driveway Width Variance, for the following reasons:

- a. The proposed driveway width variance was found to not be necessary.

The Staff Recommends: **Approval** of the Side Street Side Yard Variance, 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 accessory structure is located behind the existing principal structure on the subject property, which is located approximately fifteen (15) feet from Hart Road.
- b. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The applicant was issued a building permit to construct the detached garage by the Division of Building Inspection even though it did not meet the Article 15-6(a)(5) of the Zoning Ordinance.

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 accessory structure shall comply with the Chevy Chase Neighborhood Design Standards associated with Neighborhood Design Character Overlay (ND-1) zone.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection and Traffic Engineering prior to construction.

Application Representation – Matt and Tamara Robinson were present to represent their application. Chair Sturdivant confirmed that the applicants understood and agreed with the conditions listed. The applicants were confused on some issues, and requested clarification. Mr. Robinson displayed overhead photos of the garage. The applicants were told by their contractor and the city they could begin to build the garage, so they did. However, when it was time to pave the driveway, their paving permit was denied. They were told the garage should not be built and the driveway paving would be denied. The city proposed a driveway with an extreme angle that the applicants did not find that solution feasible.

Board Questions and Comments – Mr. Gross stated that it was his understanding that driveway could not be wider than the garage. Ms. Wade stated that the previous owners had built and paved the second driveway without permission. If the Board approves the side yard variance, they can leave the garage and flare out the driveway.

Action – Mr. Gross made a motion, seconded by Ms. Tucker; motion carried 6 - 0 to **approve PLN-BOA-25-00074: TAMARA ROBINSON** – requesting variances to reduce the required side street side yard setback of a corner lot from thirty-five (35) feet to twenty (20) feet and increase the allowable width of driveways from twenty-four (24) feet to forty-five (45) feet within a Neighborhood Design (ND-1) Overlay in a Single Family Residential (R-1C) zone on property located at 303 Cochran Road as recommended by staff based on the conditions listed.

3. **PLN-BOA-25-00080: CHRISTINA HOWARD** – requested variances to increase the allowable size of a driveway from twenty-four (24) feet to thirty (30) feet and reduce the required front yard setback from thirty (30) feet to half-a-foot (0.5) in a Single Family Residential (R-1C) zone, on property located at 2208 Harrodsburg Road. (Council District 10)

The Staff Recommends: Approval of a lesser variance of five (5) feet for the front yard setback, and a lesser variance of thirty (30) feet for the driveway width, for the following reasons:

- a. Granting the lesser variance should not adversely affect the public health, safety, or welfare of the general vicinity, nor alter the character of the general vicinity.
- b. The location of the subject property along a major arterial roadway with an annual average daily traffic (AADT) of more than 32,000 vehicles creates safety concerns for the applicant when backing out of, or backing into, the driveway. The alternative design allows for the applicant to utilize a turn-around area in order to pull out onto Harrodsburg Road.
- 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 variance as soon as it was determined that it was needed and prior to construction.

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

1. Construction shall be in accordance with the submitted application materials and revised site plan depicting the alternative driveway and turn-around design as provided by Staff.
2. All necessary permits and approvals shall be obtained from the Division of Building Inspection prior to paving.

Staff Presentation – Mr. Mills stated that the Staff remains committed to their original recommendation. Mr. Mills stated that Traffic Engineering went out to the property, and they had concerns about the applicant's proposed plans. Joe Edmiston from Traffic Engineering stated that they were concerned with the distance between the driveway and the sidewalk, while planning was concerned about the property line.

Application Representation – Colin Howard was present to represent the application. He stated that he was there to advocate for the original design he proposed. He said that there was a fair amount of agreement between himself, the Staff and Traffic Engineering, that there was a real issue with the danger and traffic at this location, but he felt that the design proposed by Traffic Engineering was insufficient to address the issue. Mr. Howard stated that there would be considerable cost involved to have a surveyor come in to mark the property line, versus using the sidewalk as the point of measurement, and requested that his original plan be approved. He stated that he had two surveys and used an updated survey with regards to his site plan. Representatives of Traffic Engineering and Mr. Howard decided to discuss outside of the council chambers and come back to the case later in the hearing.

Following discussion, the applicant and Division of Traffic Engineering agreed to support a reduced variance for the front yard setback to one foot.

Action – Mr. Gross made a motion, seconded by Mr. Clarke; motion carried 6 – 0 to **approve PLN-BOA-25-00080: CHRISTINA HOWARD** for lesser variances of 1) one (1) foot for the front yard setback, and 2) thirty (30) feet for the driveway width in a Single Family Residential (R-1C) zone, on property located at 2208 Harrodsburg Road, as recommended by Staff and based on the conditions listed.

4. **PLN-BOA-25-00089: DISTINCTIVE DESIGN REMODELING** – requested a variance to increase the maximum allowable height of an accessory structure from seventeen (17) feet, eight (8) inches to eighteen (18) feet, eight (8) inches in a Single Family Residential (R-1C) zone, on property located at 2079 Rambler Road. (Council District 10)

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 applicant would still be able to build a detached accessory garage to use for storage.
- b. The granting of this variance would allow an unreasonable circumvention of the requirements of the Zoning Ordinance as there is a clear intent of the ordinance for accessory structures to be subordinate in size to principal structures.

Staff Presentation – Mr. Belcher stated that the Staff recommended disapproval of the structure, for the reasons listed above. The original design of the structure showed that it was the same height as the home. When Building Inspection came out to view the structure, it was one inch taller than the house, which is in violation of the Zoning Ordinance.

Board Questions and Comments – Chair Sturdivant confirmed with Mr. Dalton the structure was already complete when Building Inspection came to inspect it. Mr. Dalton stated that Building Inspection told the applicant to reduce the height of the garage or apply for a variance. Mr. Dalton stated that the applicant chose to pursue the variance.

Application Representation – Brandy Smith (applicant) was present to represent the application. She stated that the plans that were submitted to the city were the plans intended for the project. The truss' that were installed needed to be cut, but the framer failed to cut them. It was not until Building Inspection came to inspect the building that it was noticed that the structure was taller than the principal structure. Ms. Smith stated that they agreed that the garage should be taller than the home. Ms. Smith stated that the garage was not visually taller, due to a slope or grading in the area. She brought photos to show this. She stated that she hoped that the Board would take that into consideration when making their decision, as it would be costly to redo the truss' at that point. Due to the visual appearance of the garage, it did not appear taller than the home.

Board Questions and Comments – Ms. Tucker asked for information on the ordinances that the structure was violating. Mr. Sturdivant asked Staff if the ordinance addressed the grade of the lot when considering the height of the accessory. Mr. Sturdivant confirmed with Ms. Smith that the garage was not intended to be the final height; the truss' were to be cut to match the original plan and meet the criteria written to keep an accessory structure shorter than the primary structure, but the contractor failed to do so. Mr. Gross stated that he would be comfortable with granting a variance to the applicant.

Chair Sturdivant called a brief recess at 3:09 p.m.

The meeting reconvened at 3:27 pm.

Action - Mr. Gross made a motion, seconded by Mr. Clarke; motion passed 6–0 to **approve PLN-BOA-25-00089: DISTINCTIVE DESIGN REMODELING** – requesting a variance to increase the maximum allowable height of an accessory structure from seventeen (17) feet, eight (8) inches to eighteen (18) feet, eight (8) inches in a Single Family Residential (R-1C) zone, on property located at 2079 Rambler Road, based on

the following findings:

- 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 variance requests an extra foot of structure height, which is not out of line with the average building height for neighboring houses. The lot also slopes in the rear, which contributes to the perceived building height being less than the principal structure.
- b. The variance request does not circumvent the provisions of the Zoning Ordinance. The testimony at the hearing shows the building was constructed above the maximum allowable height due to contractor error, not due to mistakes of the homeowner. The homeowner's plan showed an accessory building within the maximum allowable building height.

5. **PLN-BOA-25-00093: RANDY & STEPHANIE LAMBERT** – requested a variance to reduce the required front yard setback from forty (40) feet to zero (0) feet in a Single Family Residential (R-1B) zone on property located at 608 Autumn Lane. (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 property is similar in size, shape, and character to other properties in the vicinity. While some nonconforming circular driveways are present in the existing neighborhood, the neighborhood is largely characterized with standard driveways and do not feature paved front yard areas.
- 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. Their property's existing garage, proposed expanded parking area, and original driveway configuration provide an opportunity for vehicles to turn around. The property's original driveway met the Zoning Ordinance definition of the shortest reasonable path.
- c. The granting of this variance could allow an unreasonable circumvention of the requirements of the Zoning Ordinance as the applicant began construction without securing the proper paving permits and approvals.

Staff Presentation – Mr. Mills reviewed the reasons for disapproval and referred to photos on the overhead, stating that the applicants opined that the purposed drive is a shorter distance than the current driveway. He also stated that there was only one property in the area with a driveway going through the yard in the manner that the applicants were requesting. The current (old) driveway length is in fact 53 feet, while the proposed driveway length is 73 feet. Mr. Mills further stated that this project was started without permission. Mr. Mills stated that the ordinance required the driveway to be the shortest length from the principal structure to the street. Building Inspection received a complaint about the project and came out the next day to confirm that there was a violation and told the contractor that the driveway was not in compliance and construction must be halted.

Staff Presentation – Mr. Mills defined a driveway as a private paved vehicular access extending on the shortest reasonable path through the front yard or side street yard to the off-site parking area. According to Zoning Ordinance Article 8–6, the minimum front yard setback in the R-1B zone is forty (40) feet. Mr. Mills referenced an aerial view of the property on the overhead. Mr. Mills referenced the site plan provided by the applicant. He stated that the proposed driveway is not the shortest path to parking. Further he stated that the work on the driveway was started without a permit. Mr. Mills stated that the applicant failed to provide a compelling argument that adhering to the Ordinance would pose an unnecessary hardship to the applicant.

Application Representation – Scott Schuette, attorney for the applicants, stated that this was not a willful violation of the Zoning Ordinance by the applicant. The applicants hired a contractor to put in a new driveway and were told that they did not need any permits to build the driveway. Once they were notified of the violation, the applicants stopped construction. Mr. Schuette stated that the applicant attempted to work with Traffic Engineering, which indicated that the plan was workable. When they were presented to Planning Staff, the plans were not approved. The applicants realized that they were not going to approve a circle driveway. Mr. Schuette stated that they meet the dimensional requirements for a driveway, and he stated

the applicants' plan does not require a variance, but the applicants plan does not align with the Staff's interpretation of a driveway needing to be shortest distance to the parking space. Mr. Schuette stated that the applicants need an appeal/variance to the Staff's definition of the shortest *reasonable* path to a parking area. He stated that moving the driveway to the path that Staff recommends will not allow those pulling into driveway to confirm the address of the property before pulling in. He also stated that the driveway would empty into the street at the same point as the neighbor's driveway. The mailbox and fire hydrant would need to be moved and would cost around \$15,000.

Staff Questions and Comments – Mr. Clarke asked Mr. Schuette if the plan, which has not been approved has already been cut and filled with gravel. Mr. Schuette stated that the construction was halted. Upon further discussion, Mr. Schuette responded the proposed path has been cut and there is gravel on it. Mr. Gross expressed concern that there could be additional requests for driveways to be in front. Mr. Schuette expresses his opinion that the variance requests should be considered individually.

Staff Rebuttal – Mr. Mills states that there should be no issue seeing the address with the driveway being put in its original location.

Chair Sturdivant called a recess to modify the applicants request for a variance at 3:58 p.m.

Chair Sturdivant reconvened the session at 4:08 pm.

Action – Mr. Walker made a motion, seconded by Mr. Gross; motion carried 6–0 to **approve PLN BOA-25-00093**, requesting a variance to the front yard setback from 40 to zero feet based on the following findings of fact:

- 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. All properties along the cul-de-sac adjacent to Autumn Lane have driveways through the front yard that allow a direct path to the front door. This variance would help align the driveway to the front door, in keeping with the pattern of the neighborhood.
- b. The variance request does not circumvent the provisions of the Zoning Ordinance. The requested site plan still allows a pathway of a reasonable distance. Testimony also shows that the site plan had to avoid relocation of a fire hydrant, which requires extra paving to curve around the hydrant toward the front door.

This approval is conditioned upon the following:

1. Construction shall be in accordance with the submitted application materials and site plan.
2. All necessary permits and approvals shall be obtained from the Division of Building Inspection prior to paving.

6. **PLN-BOA-25-00094: GIBSON TAYLOR THOMPSON** – requested variances to 1) reduce the required front yard setback from thirty (30) feet to fourteen (14) feet and 2) reduce the required side yard setback from eight (8) feet to one (1) foot, six (6) inches in a Single Family Residential (R-1C) zone, on property located at 234 Glendover Road. (Council District 3)

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 variances. Similar lots in the general vicinity have a minimum of thirty (30) feet for their front yards with corner lots that have constricted rear yards.
- b. Granting the front yard variance would alter the essential character of the general vicinity. None of the surrounding properties have setbacks similar to the requested variances.
- c. Granting the side yard variance could adversely affect the public health, safety, and welfare due to fire access concerns.

Staff Presentation – Mr. Mills stated the current ordinances that the applicant requested variances from. He showed the view of the property on the overhead. He stated that the applicant is requesting to remove the current garage, replacing it with an addition to the home. The applicant would use a portion of the required 30 foot setback to build a new garage. Mr. Mills stated that the applicant would not incur any

undue hardship by adhering to the current Zoning Ordinance. Further there were no special circumstances that would require an exception to be made. No other properties have setbacks of less than 30 feet.

Application Representation – Mr. Baron was present to represent the application. Referring to the site plan displayed on the overhead, he stated that the irregular corner lot made it unique compared to other properties in the area. He stated that the site plan would include 18 inches of space for emergency vehicles. Mr. Baron stated that the current garage was unusable. The applicants would be unable to expand living space in any other way.

Mrs. Poor, the property owner, stated that the neighbor directly across the street was given a variance to reduce the front yard setback to build an inground pool and 6 foot privacy fence, setting a precedent to grant their variance request.

Board Questions and Comments – Mr. Clarke said he would support approving this plan, as he saw no other option for the homeowners to expand their living space. Mr. Walker and Mr. Gross both stated that they would not support approval due to safety concerns.

Action – Mr. Gross made a motion, seconded by Mr. Persley; motion carried 5–1 (Clarke opposed) to **disapprove PLN-BOA-25-00094: GIBSON TAYLOR THOMPSON** – requesting variances to 1) reduce the required front yard setback from thirty (30) feet to fourteen (14) feet and 2) reduce the required side yard setback from eight (8) feet to one (1) foot, six (6) inches in a Single Family Residential (R-1C) zone, on property located at 234 Glendover Road, based on the recommendations from the Staff.

7. **PLN-BOA-25-00095: GIBSON TAYLOR THOMPSON** – requested a variance to 1) reduce the required side yard from five (5) feet, six (6) inches to two (2) feet within a Neighborhood Design (ND-1) Overlay in a Single Family Residential (R-1C) zone, on property located at 340 Hart Road. (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 variances. Other properties in the vicinity are similar in size, shape, and pattern of development.
- 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 patio and chimney could be built with a slightly redesigned configuration that is further from the adjoining property line and still meet the needs of the property owner.
- c. Granting the variance could allow for an unreasonable circumvention of the Zoning Ordinance as the three-foot spacing is to provide fire safety and emergency access between property lines.
- d. Granting the variance could negatively affect the public health, safety, and welfare as the setback requirements for chimneys are for fire protection purposes.

Staff Presentation– Mr. Mills reviewed the details of the plan and reviewed the requirements of the Article 8–7, 15-2(b)(6) and (7) and 15-2(c) of the Zoning Ordinance related to the side yard and allowances for deviation from the requirement. Mr. Mills clarified that additions cannot be any closer than three (3) feet to the adjoining lot line and that chimneys and pilasters, as proposed here, may not extend more than 24 inches into any required yard, if they are at least 3 feet from the lot lines. Mr. Mills stated that with a slight redesign, the Ordinances could be met.

Application Representation – Mr. Gibson stated that this is a modest design. He stated that the site is very constrictive, and it is very difficult to add space to. Mr. Baron stated that they may be agreeable to moving the chimney but were unwilling to give up the additional 300 feet that the upper level addition requires.

Mr. Clarke made a motion, seconded by Mr. Persley; motion carried 5–0 (Gross was absent) to **disapprove PLN-BOA-25-00095: GIBSON TAYLOR THOMPSON** – requesting a variance to 1) reduce the required side yard from five (5) feet, six (6) inches to two (2) feet within a Neighborhood Design (ND-1) Overlay in a Single Family Residential (R-1C) zone, on property located at 340 Hart Road, based on recommendations by the Staff.

E. Abbreviated Hearings for Short Term Rentals

1. **PLN-BOA-25-00086: LOT DEVELOPMENT, LLC** – requested 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 225 Floral Park. (Council District 3)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. No short term rentals in the area have been cited as a nuisance.
- d. There are no other short-term rentals within the required 600-foot buffer and the concentration of short-term rentals within 1,000 feet of the subject property is 0.26%.
- 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.

Application Representation – Terry O'Herrington, applicant, stated that he understood and agreed with the conditions presented by Staff.

Action – Mr. Clarke made a motion, seconded by Mr. Persley; motion carried 5–0 (Gross absent) to **approve PLN-BOA-25-00086: LOT DEVELOPMENT, LLC** – requesting 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 225 Floral Park, based on recommendations by the Staff and subject to the conditions listed.

2. **PLN-BOA-25-00073: SAYED SAGHAIAN** – requested a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 3853 Plantation Drive. (Council District 9)

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 within 1,000 feet of the subject property is 0%.
- 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 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.

Application Representation – Sayed Saghaian, applicant, explained that the property was formerly occupied by his brother, who has moved out. He then decided to apply for an STR.

Staff Questions and Comments – Ms. Tucker asked if Mr. Saghaian lived at the property, as he was listed as the owner. He stated that he did not live at the property; he currently resides in Florida. Ms. Tucker asked him who would be managing the property. He stated that his brother, who lived down the street from the property, would be managing the property.

Citizens Comments - Daniel Savanto, 3161 Gladman Way, stated he does not want STRs in the neighborhood and that the neighborhood should not become commercial.

Staff Rebuttal – Mr. Belcher asked Mr. Saghaian if the STR would be operated under an LLC. Ms. Smith said that he was listed as the owner. If he wanted to transfer the ownership to an LLC, he could do so, but he did that after the permit was granted, the permit would be void. Mr. Saghaian stated that if he needed to keep it under his name, he would do so.

Action – Mr. Walker made a motion, seconded by Mr. Clarke; motion carried 5–0 (Gross absent) to **approve PLN-BOA-25-00073: SAYED SAGHAIAN** – requesting a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 3853 Plantation Drive, based on recommendations by the Staff and based on the conditions listed.

F. Discussion Items for Short Term Rentals

1. **PLN-BOA-25-00082: HOUSE & HOME LLC** – requested a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 605 Lane Allen Road. (Council District 10)

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

Staff Presentation – Mr. Belcher noted that there was one person who was in support of the STR, but she could not stay for the entire meeting, so a handwritten letter by this person was being circulated. Mr. Belcher stated that Staff did not feel that this STR met the relief provisions. Further, there were two STRs currently in the 600-foot buffer area. Mr. Belcher also stated that there were 13 STR stays in June and July while the STR was unlicensed, which is considered a violation/compliance issue.

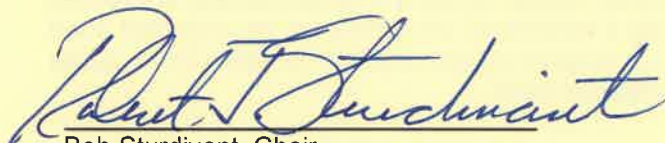
Application Representation – Annie Williams, applicant, stated that she called the planning division and was told that even though she was not licensed, she did not have to cancel existing reservations. She did not have the name of the person she spoke to. Ms. Williams claimed that she was not aware that she had to reapply for a license annually. She asked the Board to recognize that she had made a mistake and then asked the Board to renew her permit. She stated that she had run an STR for 10 years, neighbors liked to rent it, she had no complaints. She stated that her track record should be considered.

Board Questions and Comments – Mr. Walker stated that while he was sympathetic, there were rules that the Board had to enforce.

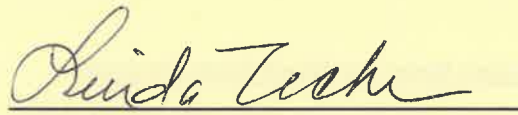
Applicant Rebuttal – Ms. Williams referred to an arterial map stating that the Lane Allen was a main road should change the buffer area, as the other STR was in a different 'neighborhood.' Mr. Walker stated that there was no way that he could get around the rules. Ms. Wade stated that Lane Allen is not an arterial road, and Mr. Belcher mentioned that there were still STRs on her side of Lane Allen that were licensed, which meant they could not approve her application.

Action – Mr. Clarke made a motion, seconded by Mr. Persley; motion carried 5–0 (Gross absent) to **disapprove PLN-BOA-25-00082: HOUSE & HOME LLC** – requesting a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 605 Lane Allen Road, based on recommendations from the staff.

- III. **BOARD ITEMS** – There were no board item to discuss at this time.
- IV. **STAFF ITEMS** – There were no Staff items to discuss at this time.
- V. **NEXT MEETING DATE** - The Chair announced that the next meeting date would be September 8, 2025 at 1:30 p.m. in Council Chambers, 2nd Floor, 200 E. Main St., Lexington, KY 40507.
- VI. **ADJOURNMENT** - If there is no further business, the Chair will declare the meeting adjourned.



Bob Sturdivant, Chair



Linda Tucker, Secretary

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.