

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

August 11, 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**
The January 2025 and February 2025 Board of Adjustment meeting minutes will be considered at this time.
- III. **PUBLIC HEARING ON ZONING APPEALS**
 - A. **Swearing of Witnesses** - The Chair will announce that any applicant or objector, or anyone in the audience who plans to speak to any appeal before the Board, please stand in order to be sworn in at this time.
 - B. **Sounding the Agenda** - In order to expedite completion of agenda items, the Chair will sound the agenda with regard to any postponements, withdrawals, and items requiring no discussion.
 - C. **Variance Appeals**
 1. **PLN-BOA-25-00011: KY- 263 2FRIENDS LLC** – requests 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.

2. **PLN-BOA-25-00074: TAMARA ROBINSON** – requests 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.

3. **PLN-BOA-25-00080: CHRISTINA HOWARD** – requests variances to increase the allowable size of a driveway from twenty-four (24) feet to forty (40) 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.

4. **PLN-BOA-25-00088: COMMUNITY VENTURES PROPERTIES, LLC** – requests 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 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.

5. **PLN-BOA-25-00089: DISTINCTIVE DESIGN REMODELING** – requests 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.

6. **PLN-BOA-25-00090: TOM SULKOWSKI** – requests 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)

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 composition as the other homes in the area.
- b. The applicant has not provided sufficient justification to demonstrate that the prohibition on locating the carport in the front yard is depriving the applicant of the reasonable use of the land.
- c. The granting of this variance could allow an unreasonable circumvention of the requirements of the Zoning Ordinance as the applicant constructed the carport without the necessary permits or approvals.
- d. The granting of this variance would alter the character of the general vicinity as no other property on Deer Lake Circle features a carport in the front yard, and the prohibition on constructing accessory structures within the required front yard is consistent across all residential zones

7. **PLN-BOA-25-00093: RANDY & STEPHANIE LAMBERT** – requests 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.

8. **PLN-BOA-25-00094: GIBSON TAYLOR THOMPSON** – requests 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.

9. **PLN-BOA-25-00095: GIBSON TAYLOR THOMPSON** – requests 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.

D. Conditional Uses

1. **PLN-BOA-25-00092: KENTUCKY TRAINING CENTER, LLC a/k/a THE THOROUGHBRED CENTER** – requests 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 of the training center and their families. The use shall not be made available to the general public.

E. Short Term Rentals

1. **PLN-BOA-25-00073: SAYED SAGHAIAN** – requests 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.
4. Occupancy of the short term rental shall be limited to no more than six (6) individuals.
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-25-00082: HOUSE & HOME LLC** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 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.

3. **PLN-BOA-25-00086: LOT DEVELOPMENT, LLC** – 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 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.

- III. **BOARD ITEMS** – The Chair will announce that any items a Board member wishes to present will be heard at this time.
- IV. **STAFF ITEMS** - The Chair will announce that any items a Staff member wishes to present will be heard at this time.
- V. **NEXT MEETING DATE** - The Chair will announce that the next meeting date will 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.

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.