

MINUTES FOR THE BOARD OF ADJUSTMENT MEETING

October 13, 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, Bob Sturdivant, Linda Tucker, Chad Walker, James Persley and Ross Boggess. Planning Staff members present were Daniel Crum, Dalton Belcher and Patti Haley. Brittany Smith, Department of Law was also present.

III. **APPROVAL OF MINUTES**

The Board of Adjustment meeting minutes for April 2025 and May 2025 were put to a vote.

A. **April 2025 Minutes**

Action – Ms. Tucker made a motion, seconded by James Persley; motion carried 7–0 to approve April 2025 minutes.

B. **May 2025 Minutes**

Action – Ms. Tucker made a motion, seconded by Mr. Walker; motion carried 7–0 to approve May 2025 minutes

IV. **PUBLIC HEARING ON ZONING APPEALS**

- A. **Swearing of Witnesses** - Chair Sturdivant swore in applicants, objectors, and anyone in the audience who planned to speak to any appeal before the Board.
- B. **Sounding the Agenda** - To expedite the completion of agenda items, Chair Sturdivant sounded the agenda with regards to any postponements, withdrawals, and items requiring no discussion.
- C. **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: This case has been postponed by the Board at the following meetings: April 10, 2025; June 9, 2025; and July 14, 2025.

Staff Comments: Mr. Belcher indicated that the applicant had been in communication with the Division of Planning to request a one-month postponement to the Board's next meeting.

Action: Mr. Walker made a motion, seconded by Ms. Tucker, motion carried 7-0 to **postpone PLN-BOA-25-00030: CANE MANOR LLC** to the November 10, 2025 meeting.

D. **Abbreviated Hearings**

1. **PLN-BOA-25-00100: STACY CHASE** – requested variances to 1) reduce the required side yard from eight (8) feet to two (2) feet, and 2) reduce the required side street side yard setback of a corner lot from thirty (30) feet to one (1) foot in a Single Family Residential (R-1C) zone, on property located at 117 Vista Street. (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 cause a hazard or nuisance to the public. There is approximately 20 feet of space between the proposed structure and the adjoining home at 115 Vista Street, and the proposed construction on Picadome Park will match or exceed the existing home's setback.
- b. Granting the variances will not result in construction that is out of character with the general vicinity. Properties within the immediate vicinity feature non-conforming side-yard setbacks, and the proposal will retain the same side street side yard setback that has characterized the site since the home's construction in 1937.
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance as 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.
3. All fencing that encroaches into LFUCG right-of-way shall be removed or relocated out of the right-of-way unless an encroachment agreement is obtained from LFUCG to allow the fencing to remain.
4. The rear porch shall remain unenclosed
5. The driveway in front of the principal structure shall be removed.

Application Representation – Stacey Chase was present to represent her application. Ms. Chase stated that the goals of the application were to make the property functional, do some updating that the home needs, and keep things in character with the neighbor. Mr. Clarke asked her if she understood and agreed to the conditions of the approval. She stated that she did.

Action – Mr. Clarke made a motion, seconded by Mr. Persley; motion carried 6–0 (Gross recused) to **approve PLN-BOA-25-00100: STACY CHASE** – requesting variances to 1) reduce the required side yard from eight (8) feet to two (2) feet, and 2) reduce the required side street side yard setback of a corner lot from thirty (30) feet to one (1) foot in a Single Family Residential (R-1C) zone, on property located at 117 Vista Street, as recommended by Staff and subject to the conditions listed.

E. Discussion Items

1. **PLN-BOA-25-00111: UPSTART DEVELOPMENT** – requested variances to 1) reduce the required side yard setback from five (5) feet to three (3) feet and 2) reduce the required side street side yard setback of a corner lot from five (5) feet to four (4) feet within the defined Infill and Redevelopment area in a Medium Density Residential (R-4) zone, on property located at 536 W Fifth Street. (Council District 1)

The Staff Recommends: **Approval** of the request to reduce the required side yard setback from five (5) feet to three (3) feet, for the following reasons:

- a. Granting the variance should not adversely affect the public health, safety, or welfare of the general vicinity, nor cause a hazard or nuisance to the public. The subject property is within the defined Infill and Redevelopment Area and the proposed structure features a side yard setback that is keeping with other structures in the immediate vicinity.
- b. Granting the variance will not result in construction that is out of character with the general vicinity. The surrounding properties also have non-conforming side yard setbacks.
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The applicant 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 an updated site plan.
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 request to reduce the required side street side yard setback of a corner lot from five (5) feet to four (4) feet, 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.
- 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. A redesign of the floor plan will allow the applicant to meet the requirements and achieve their desired objectives.
- c. The reduction in the side street side yard setback for a multi-story multi-family use would negatively impact the walkability of the area and is out of character with the existing setbacks for the majority of development along this block of Smith Street.

Application Representation - Mr. Dowell was present to represent the application.

Staff Presentation – Mr. Belcher stated that Staff recommended approval of the request to go from a five (5) foot to three (3) foot side yard setback, in keeping with other properties in the neighborhood. However, Mr. Belcher stated that Staff recommended disapproval of the request to reduce the side yard setback on the side street side yard of the property from five (5) feet to four (4) feet. He reviewed the reasons as listed.

Comments and Questions from the Board – Mr. Walker pointed out that the site plan showing the requested change to the side street side yard setback was actually requesting going from five (5) feet to four and a half (4½) feet means the setback would only change by six (6) inches. Mr. Gross confirmed that the applicant could construct a fence four (4) feet from the sidewalk. Ms. Tucker confirmed that there would be no parking on the street or driveway on the side-street side yard.

Applicant Rebuttal – Mr. Dowell stated that the site plan was updated and originally, they requested a four and a half (4½) foot setback, but as there needs to be at least one FHA approved unit in the project and that a four and a half (4½) foot setback would help in accommodating an FHA approved unit.

Comments and Questions from the Board – Mr. Clarke asked what kind of changes to the units would be required if the four and a half (4 ½) foot setback was approved. Mr. Dowell stated that the design would be fine with the four and a half foot side street side yard setback. Chair Sturdivant asked if Mr. Dowell was okay with Staffs disapproval, and he said that he was not; he wanted to be approved for the side street side yard setback. Mr. Sturdivant asked the Board how they felt about approving the four (4) foot setback, Mr. Walker and Mr. Boggess both stated that they would support this. Mr. Gross stated that he also supported the four (4) foot setback. Chair Sturdivant called a recess to draft findings.

NOTE: Recess started at 2:01 PM. Meeting was reconvened at 2:07 PM.

Action – Mr. Walker made a motion, seconded by James Persley; motion carried 7–0 to **approve PLN-BOA-25-00111: UPSTART DEVELOPMENT** – requesting variances to 1) reduce the required side yard setback from five (5) feet to three (3) feet per Staff recommendation and 2) reduce the required side street side yard setback of a corner lot from five (5) feet to four (4) feet within the defined

Infill and Redevelopment area in a Medium Density Residential (R-4) zone, on property located at 536 W Fifth Street based findings and conditions:

- a. Granting the variance should not adversely affect the public health, safety, or welfare of the general vicinity, nor cause a hazard or nuisance to the public. The subject property is within the defined Infill and Redevelopment Area and the proposed structure features a side yard setback that is keeping with other structures in the immediate vicinity.
- b. Granting the variance will not result in construction that's out of character with the general vicinity. The surrounding properties also have non-conforming setbacks
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The applicant 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 an updated site plan.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.

F. Abbreviated Short Term Rental Hearings

1. **PLN-BOA-25-00107: THIDA YI YI** – requested a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 2111 Stonewood Lane. (Council District 6)

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

- a. The proposed use should not have an adverse influence on the subject property the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. No short term rentals in the area have been cited as a nuisance.
- d. There are no other short-term rentals within the required 600-foot buffer and the concentration of short-term rentals in 1,000 feet of the subject property is less than 2%.
- e. There is no record of short term rental compliance issues with the applicant.
- f. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than eight (8) individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
4. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

Application Representation – Thidi Yi Yi was present to represent the application. She gave an overview of the application.

Board Comments and Questions – Ms. Tucker asked if they had a manager for the property. Ms. Yi

Yi stated that the owner was currently out of the country. Mr. Walker stated that Ms. Yi Yi would need an emergency contact who could handle issue with the property. She confirmed she would be that person. Chair Sturdivant asked what the 'sound barrier' mentioned referred to; she stated that there was something that was going to be installed in the room to absorb the noise. Mr. Walker stated that he felt that there were holes in the plan, and he would like to see the case postponed to the March meeting in order to fill in some of these gaps in the details. Mr. Gross suggested a continuance in order for the applicant to work with staff to fill in some of the gaps regarding the emergency contact and the plan for a noise barrier. Mr. Clarke reiterated that the Staff was willing to work with the applicant. Ms. Tucker also suggested that the applicant speak with the neighbors regarding the petition opposing this application.

Action – Mr. Gross made a motion, seconded by Harry Clarke; motion passed 7–0 to **continue PLN-BOA-25-00107: THIDA YI YI** the request for a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 2111 Stonewood Lane, to the November 10th meeting, in order for the Board to vote on a more complete application.

2. **PLN-BOA-25-00110: BRITTANY EVERMAN** – requested a conditional use permit for an unhosted short term rental in a Single Family Residential (R-1E) zone, on property located at 156 Greenway Lane. (Council District 2)

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 ten (10) 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 – Brittany Everman was present to represent the application.

Board Questions and Comments – Mr. Sturdivant asked Ms. Everman if she understood and agreed with the conditions recommended by Staff. Ms. Everman stated that she did.

Action – Harry Clarke made a motion, seconded by Mr. Persley; motion carried 7–0 to **approve PLN-BOA-25-00110: BRITTANY EVERMAN** – requesting a conditional use permit for an unhosted short term rental in a Single Family Residential (R-1E) zone, on property located at 156 Greenway Lane, as recommended by Staff and subject to the conditions listed.

3. **PLN-BOA-25-00112: JANELLE BLESSING** – requests a conditional use permit for an un hosted

short term rental in a Single Family Residential (R-1D) zone, on property located at 2008 Oleander Drive. (Council District 10)

The Staff Recommends: **Approval of a lesser Occupancy of eight (8) Occupants**, 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 for the lesser number of occupants.
- 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% There is no record of short term rental compliance issues with the applicant
- e. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than 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 – Janelle Blessing was present to represent the application. Ms. Blessing read a statement promising to follow the rules and conditions required to run a STR.

Board Questions and Comments – Chair Sturdivant confirmed that Ms. Blessing understood and agreed with Staff's recommendation of a lesser occupancy and the conditions as listed. Ms. Tucker requested citizen comments, which included three letters of opposition and one of support. Ms. Blessing had two additional letters of support from neighbors, which she submitted to the Board for review.

Action – Mr. Walker made a motion, Mr. Boggess seconded; motion carried 7-0 to **approve a lesser Occupancy of eight (8) Occupants** for **PLN-BOA-25-00112: JANELLE BLESSING** – requesting a conditional use permit for an un hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 2008 Oleander Drive, as recommended by staff and subject to the conditions listed.

4. **PLN -BOA-25-00113: PETE JACKSON HOUSE, 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 131 N Broadway Park. (Council District 1)

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.

Application Representation – Alexandria Durram was present to represent the application. She stated that she would be managing the property because the owner is out of the country. Ms. Durram read a statement from the owner describing her plans for the property and her commitment to maintain the STR according to requirements and in consideration of her neighbors.

Action – Mr. Clarke made a motion, seconded by Mr. Persley; motion carried 6–1 (Tucker opposed) to **approve PLN-BOA-25-00113: PETE JACKSON HOUSE, 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 131 N Broadway Park, based on recommendations from the Staff and subject the conditions as listed.

G. Discussion Items for Short Term Rentals

1. **PLN-BOA-25-00106: M-3 FAMILY INVESTMENT LLC** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 3996 Barnard Drive. (Council District 6)

The Staff Recommends: Approval, for the following reasons:

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. No short term rentals in the area have been cited as a nuisance.
- d. There are no other short-term rentals within the required 600-foot buffer and the concentration of short-term rentals in 1,000 feet of the subject property is less than 2%.
- e. There is no record of short term rental compliance issues with the applicant.
- f. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The short term rental use shall be established in accordance with the submitted application materials and site plan.
2. Occupancy of the short term rental shall be limited to no more than eight (8) individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
4. The conditional use permit shall become null and void upon change in ownership, or if the

applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

Application Representation – Samieh Rabah, daughter of the property owners, was present to represent the application. She stated that she was managing the property on behalf of her parents and wanted to get a permit for an un-hosted short term rental. She stated that she was committed to running a safe STR and avoiding any issues that may affect her neighbors negatively.

Citizen Comments – Matt Chase, 3893 Bernard Dr, stated that he was representing the over 100 neighbors who signed a petition opposing the application. He stated that the proposed STR was located on a busy cul-de-sac and they felt that the increased traffic would create a safety issue. He then stated that short term rentals would negatively affect the stability of the neighborhood. He stated that there were compliance issues and that Ms. Rabbah had run the property from 2024 – 2025 without a permit. He requested the Board disapprove the application.

Tom Lewis, stated that he was a thirty year resident of the neighborhood, and that the neighbors bought into the neighborhood since it was a single-family neighborhood. He stated that most of the neighbors were explicitly opposed to the STR and stated that compliance issues should result in a disapproval by the Board.

Clay Combs, a neighbor on the street, stated that he was retired police and he opined that STRs increase crime.

Gwennetta Tarver, neighbor across the street, stated that the property was not maintained properly (trash, fallen limbs, etc.) and other neighbors had to clean up the mess. She stated that she doubted that the property would be maintained.

Applicant Rebuttal – Ms. Rabbah stated that the property was 'near-condemnable' when her parents purchased the property four years ago. She stated that she was part of the renovation of the property and that it was now highly desirable. She stated that she struggled to maintain the home until she found a company to maintain it. She said that her next door neighbors help bring in the trash cans. Ms. Rabbah stated that she was unfamiliar with the regulations related to short term rentals when she listed her father's property on Air BnB and once she became aware of the violation, she removed the listing. She stated that she has attempted to address the complaints on Facebook and none of the neighbors contacted her directly.

Board Questions and Comments – Ms. Tucker asked the applicant if there was contact information available, as the Board did not have contact information for the application. Ms. Rabbah stated that she was the contact and was local to Lexington. Ms. Tucker stated that she was concerned about the upkeep, safety and the petition signed by the neighbors. Mr. Walker stated that he had concerns about compliance issues, yet the Board had no information about compliance issues in the information provided to them. Mr. Belcher stated that once Revenue was aware of the un-permitted STR, they sent a notice of violation to the owners, and the property was immediately removed from any listings. Mr. Walker stated that the Board must use the criteria provided by the Ordinance to make decisions on conditional use permits, regardless of popular opinion. He stated that he felt bound to support an approval. Mr. Clarke also stated that there was no other STR within 600 feet and a 0% concentration of STRs within 1,000 feet. He stated that there were no facts that supported the disapproval of the application. Ms. Tucker stated that she could not support an approval based on safety concerns.

Citizen Comments – Donna Lewis, 3948 Bernard Dr., stated that the proximity of the neighborhood to I-75 makes it an easy escape route for criminals at these Air BnBs.

Action – Mr. Boggess made a motion, seconded by Mr. Clarke; motion carried 4–3 (Sturdivant, Tucker

and Persley opposed) to **approve PLN-BOA-25-00106: M-3 FAMILY INVESTMENT LLC** – requesting a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 3996 Barnard Drive, based on recommendations from Staff and the conditions as listed.

2. **PLN-BOA-25-00108: MINT PILLOW PROPERTY MANAGEMENT LLC** – requested a conditional use permit for an un-hosted short term rental in a Planned Neighborhood Residential (R-3) zone, on property located at 808 Gunpowder Drive. (Council District 6)

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. The applicant has a documented history of compliance issues with the short term regulations, including citations at other locations.
- c. The applicant has willfully violated the rules and regulations set forth in the Code of Ordinances, Chapter 13, Article 5 and its sub-sections. This documented history of non-compliance provides strong evidence that the operation of another short term rental could cause an adverse influence on the surrounding neighborhood by creating a nuisance.

Staff Presentation – Mr. Belcher stated that the requested short term rental has compliance issues, including citations on this and other properties owned by this single member limited liability corporation (LLC).

Application Representation – Lisa Holstetter, the owner and applicant, was present to represent this application. She stated that the history of non-compliance was based on a misunderstanding. She stated that her son, who lives in Denver, did the postings of the property. She stated that they have since taken care of the penalties and have reapplied for the conditional use permit.

Board Questions and Comments – Mr. Walker asked Ms. Hostetter who would be the local emergency contact for the STR. She stated that she lived in Lexington and she would be the local contact. He also confirmed that she was no longer operating any of the STRs as of the hearing comment. Ms. Tucker stated that she drove by the property and saw Indiana plates on a car in the driveway. Ms. Hostetter stated that she was from Indiana. Ms. Tucker asked again if she would be the local contact. She stated that she would.

Citizen Comments – Tom Richards, 2732 Red Leaf Drive, stated that he lives behind the subject property. He stated that the owner built a two-story deck that was not approved by Building Inspection, and he also stated that this deck violated their privacy as it looked in on their first floor covered patio. He stated that they also installed a seating area where the setback should be and they installed hardscape that covered 70% of the property, which caused runoff onto his property. He further stated that the owner had created a firepit with seating five feet from his property line. He stated that he was on the HOA Board and they had filed a change with the city with over 50% of the neighbors voting to ban STR in their neighborhood.

Ron Griffin, 8090 Little Silver Ct., stated that the neighborhood has one way in, and one way out. He stated that he felt that STRs do not fit in or blend into a neighborhood where over 50% homeowners voted against them. He stated that it changes the fabric and safety of the neighborhood.

Action – Ms. Tucker made a motion, seconded by James Persley; motion carried 7–0 to **disapprove PLN-BOA-25-00108: MINT PILLOW PROPERTY MANAGEMENT LLC** - requesting a conditional use permit for an un-hosted short term rental in a Planned Neighborhood Residential (R-3) zone, on property located at 808 Gunpowder Drive, based on recommendations from the Staff.

3. **PLN-BOA-25-00109: GLENWOOD RETREAT LLC** – requested a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, property located at 3112 Glenwood Drive. (Council District 6)

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. There is one existing short term rental within 600 feet of the subject property.
- c. The applicant has a documented history of compliance issues with the short term regulations, including citations. The applicant has willfully violated the rules and regulations set forth in the Code of Ordinances, Chapter 13, Article 5 and its sub-sections.
- d. This documented history of non-compliance provides strong evidence that the continued operation of this short term rental will cause an adverse influence on the surrounding neighborhood by creating a nuisance.

Staff Presentation – Mr. Belcher stated that there is another STR within 600 feet from this property. In addition, there was a second one who has been approved but has not received their license yet, so it would not appear on the map of STRs in the area. He stated that this property is being pursued by the Division of Revenue at the current time for enforcement and citations, as they are operating without a license. Mr. Belcher stated that this proposed STR has already been cited twice for operating without a license and is owned by the same single member LLC as **PLN-BOA-25-00108 MINT PILLOW PROPERT MANAGEMENT LLC** who has multiple properties that are not in compliance and have violations.

Application Representation – Ms. Hostetter was present to represent the application. She stated that there was confusion regarding the grandfathering process and that it has not been listed/rented since they were cited. She stated that they have operated as an STR since 2022 and she was not aware of any complaints made by neighbors.

Board Questions and Comments – Ms. Tucker stated that it appeared that the property was being managed out of Louisville. She stated that she thought that was the business office address but that she managed the property locally. Mr. Walker stated that the reason for disapproval is based on not meeting the distance criteria and non-compliance.

Action – Mr. Clarke made a motion, seconded by Ms. Tucker; motion carried 7–0 to **disapprove PLN-BOA-25-00109: GLENWOOD RETREAT 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 3112 Glenwood Drive, based on Staffs recommendations, and noting a correction to the staff report that there are two (2) STRs existing within 600 feet of the subject property.

4. **PLN-BOA-25-00115: FLOWSTATE PROPERTIES** – requested a conditional use permit for an unhosted short term rental in a Single Family Residential (R-1C) zone, on property located at 1717 Liberty Road. (Council District 5)

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 six (6) individuals.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
4. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

Application Representation – Taylor Wood present to represent the application. He stated that he spoke with one of the neighbors who had come in opposition to the plan. He said that that her concern was lack of parking. Mr. Wood stated that he made the neighbor aware that there was space behind his house to park four to five cars. He stated that the neighbor then left, deciding not to speak.

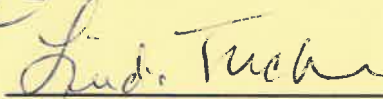
Board Questions and Comments – Chair Sturdivant confirmed that Mr. Wood understood the recommendation and conditions and agreed to them. Ms. Tucker confirmed that Mr. Wood would be managing the property while living in Elizabethtown. He stated that he and his family would be moving back and forth between there and Lexington and was planning to manage the property himself.

Action – Mr. Gross made a motion, seconded by Mr. Walker; motion carried 7-0 to **approve PLN-BOA-25-00115: FLOWSTATE PROPERTIES** – requesting a conditional use permit for an un hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 1717 Liberty Road, based upon Staff recommendations and subject to the conditions listed.

- V. **BOARD ITEMS** – There were no Board items to be discussed at this time.
- VI. **STAFF ITEMS** - There were no Staff items to be discussed at this time.
- VII. **NEXT MEETING DATE** - The Chair announced that the next meeting date will be November 10, 2025 at 1:30 p.m. in Council Chambers, 2nd Floor, 200 E. Main St., Lexington, KY 40507
- VIII. **ADJOURNMENT** - The Chair declared the meeting adjourned at 3:38 PM.



Robert J. 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://fucg.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.