

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

November 10, 2025

- I. **CALL TO ORDER** – Chair Sturdivant 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 Board of Adjustment meeting minutes for June 9, 2025 and July 14, 2025 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 should stand, in order to be sworn in at this time.

- B. **Sounding the Agenda** - To expedite the completion of agenda items, Chair Sturdivant will sound the agenda with regards to any postponements, withdrawals, and items requiring no discussion.

C. **Variance Appeals**

1. **PLN-BOA-25-00116: KELLEY MATHIS** – requests a variance to reduce the required side yard setback from three (3) feet to one (1) foot and six (6) inches within the defined Infill and Redevelopment Area in a Mixed Low Density Residential (R-2) zone, on property located at 1004 Aurora Avenue. (Council District 5).

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 five (5) feet of space between the proposed structure and the neighboring property's fence, and the proposed construction will match or exceed the existing home's setback.
- b. Granting the variance 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 yard setback that has characterized the site since the home's construction in 1914.
- 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, except as conditions below dictate.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.
3. The air conditioning unit shall not be placed within three (3) feet of the side property line.

2. **PLN-BOA-25-00121: KATHERINE VASS AND NICHOLAS ANDREW WHITE** – requests a variance to increase the maximum allowable height of an accessory structure from sixteen (16) feet, seven (7) inches to seventeen (17) feet, seven (7) inches in a Single Family Residential (R-1C) zone, on property located at 3402 Fleetwood Drive. (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 applicant would still be able to build a detached accessory garage by altering the height or grade of the structure.
- 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.

3. **PLN-BOA-25-00126: KRISTIN WEEKS** – requests a variance to reduce the required setback from the side lot line for a driveway from two (2) feet to six (6) inches in a Mixed Low Density Residential (R-2) zone, on property located at 1204 Slashes 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 variance. The property is similar in size, shape, and character to other properties in the vicinity.
- b. The applicant has not provided sufficient information to determine that strict enforcement of the Zoning Ordinance will result in an unnecessary hardship or deprive the applicant of the reasonable use of their land. The property's existing driveway configuration provides the opportunity for vehicles to maneuver and the applicant can replace their existing garage without needing a new driveway or variance.

4. **PLN-BOA-25-00127: LEXINGTON HOME OWNERSHIP COMMISSION II INC** – requests a variance to reduce the required landscape buffer for a parking lot from eight (8) to zero (0) feet within the defined Infill and Redevelopment Area in a Neighborhood Business (B-1) zone, on property located at 425 Race Street. (Council District 1)

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

- a. Granting the variance should not adversely affect the public health, safety, or welfare of the general vicinity, nor alter the character of the general vicinity, as the variance allows the applicant to develop the site in a manner that will provide an adequate vehicular use area for the proposed use.
- b. Due to the orientation of the adjoining structure, the lack of a landscape buffer in this area will not negatively impact the adjoining property.
- c. Granting the variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the applicant has applied for the necessary variances as soon as it was determined that they were needed and prior to 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, or as amended on a final development plan.

2. All necessary permits shall be obtained from the Divisions of Building Inspection and Engineering prior to construction.
3. Denotation of the action of the Board of Adjustment on the corollary final development plan.

D. Conditional Uses

1. **PLN-BOA-25-00030: CANE MANOR LLC** – requests a variance to reduce the spacing requirements between short-term rentals from one (1) mile (5,280 feet) to 5,068 feet and a conditional use permit for an un-hosted short term rental in an Agricultural Rural (A-R) zone, on property located at 2593 Berea Road. (Council District 12)

The Staff Recommends: **Disapproval of the variance**, 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 a variance. The one-mile spacing requirement is consistent across all agriculturally zoned parcels.
- 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.
- c. Approval of the requested variance will allow for an unreasonable circumvention of the requirements of the Zoning Ordinance. The adopted Ordinance established a one-mile spacing requirement in order to control the density of un-hosted short term rental units in the Agricultural Rural (A-R) zone.

The Staff Recommends: **Disapproval of the conditional use permit**, 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) agriculturally-zoned short term rental units operating within the required one-mile buffer area.

2. **PLN-BOA-25-00107: THIDA YI YI** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1E) 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 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.

3. **PLN-BOA-25-00122: THE BRIGHT SPOT LLC** – requests a conditional use permit to establish a school for academic instruction in both a Planned Neighborhood Residential (R-3) and Medium Density Residential (R-4) zone, on property located at 2109 Cornerstone Drive. (Council District 6)

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

- a. Approval of the conditional use should not adversely affect the subject or adjoining/nearby properties, provided that all necessary permits and approvals are made. The majority of the school programming will occur within the structure, and the property has a natural landscaping buffer from the adjacent residential uses to limit any potential noise nuisance.
- b. All necessary public services and facilities are or will be available and adequate for the proposed use. There is adequate parking available for the proposed number of employees and the applicant is staggering pick-up and drop-off times to mitigate traffic issues. The site is already served by stormwater and sanitary sewer systems, as well as solid waste service.

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

1. The property shall be developed and operated in accordance with the submitted application materials and site plan, subject to any alterations required throughout the permitting process.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning, Building Inspection, and Engineering, as well as necessary state and federal agencies, prior to construction (if necessary) and occupancy.

4. **PLN-BOA-25-00123: THE DOWN SYNDROME ASSOCIATION OF CENTRAL KENTUCKY** – requests a conditional use permit to establish a community center in both a Planned Neighborhood Residential (R-3) and Medium Density Residential (R-4) zone, on property located at 2109 Cornerstone Drive. (Council District 6)

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

- a. Approval of the conditional use should not adversely affect the subject or adjoining/nearby properties, provided that all necessary permits and approvals are made. The majority of the community center programming will occur within the structure, and the property has a natural landscaping buffer from the adjacent residential uses to limit any potential noise nuisance.
- b. All necessary public services and facilities are or will be available and adequate for the proposed use. There is adequate parking available for the proposed number of employees and the applicant is staggering pick-up and drop-off times to mitigate traffic issues. The site is already served by stormwater and sanitary sewer systems, as well as solid waste service.

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

1. The property shall be developed and operated in accordance with the submitted application materials and site plan, subject to any alterations required throughout the permitting process.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning, Building Inspection, and Engineering, as well as necessary state and federal agencies, prior to construction (if necessary) and occupancy.

5. **PLN-BOA-25-00124: JAMES HOLUB** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1E) zone, on property located at 472 McConnells Trace. (Council District 2)

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 two citations from the Division of Revenue and 26 civil penalties issued by the Division of Building Inspection. 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 continued operation of this short term rental will cause an adverse influence on the surrounding neighborhood by creating a nuisance.

6. **PLN-BOA-25-00129: SILVER SPRINGS FARM EQWINE & VINEYARD LLC** – requests a conditional use permit for a hosted short term rental in an Agricultural Rural (A-R) zone, on property located 3710 Leestown Road (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 and is approximately 275 feet from adjoining properties and the front of the property is screened properties by existing vegetation.
- b. All necessary public services and facilities are available and adequate for the proposed use.
- c. There is no record of short term rental compliance issues with the applicant.
- d. No short term rentals in the area have been cited as a nuisance.
- e. The subject property is not located in census tract that has been identified as vulnerable to involuntary displacement based on socio-economic demographics.
- f. The septic facilities serving the use are sufficient to accommodate the proposed number of users.
- g. The property has adequate parking spaces (2) to accommodate the proposed number of users (4).
- h. The entrance to the property and the driveway is continuously lit and there are motion sensor lights leading to and near the unit.
- i. There are adequate fire safety measures present in the unit, and the unit is located approximately 700 feet from an existing fire hydrant.
- j. There are no other short-term rentals within the one mile of the subject property.

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

1. The short term rental use shall be established in accordance with the submitted application materials and site plan.

2. Occupancy of the short term rental shall be limited to no more than four (4) individuals.
3. Provisions for handling sewage shall at all times comply with the requirements of the Fayette County Health Department. Documentation verifying the septic system adequacy for the existing single family residence, the small farm micro-distillery operations and the short term rental shall be provided to the Divisions of Planning and Building Inspection.
4. The entrance to the property shall be lighted and easily visible from the roadway.
5. All necessary permits and/or approvals shall be obtained from the Divisions of Revenue and Planning prior to commencement of the use, including a Business License, Special Fees License, and a Zoning Compliance Permit.
6. The conditional use permit shall become null and void upon change in ownership, or if the applicant's short term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

IV. **BOARD ITEMS** – The Chair will announce that any items a Board member wishes to present will be heard at this time.

A. **2026 MEETING AND FILING SCHEDULE** – The Board will adopt the 2026 meeting and filing schedule.

V. **STAFF ITEMS** - The Chair will announce that any items a Staff member wishes to present will be heard at this time.

VI. **NEXT MEETING DATE** -The Chair will announce that the next meeting date will be December 8, 2025 at 1:30 p.m., Council Chambers, 200 East Main Street, Lexington, KY 40507.

VII. **ADJOURNMENT** - If there is no further business, the Chair will declare the meeting adjourned.

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.