

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

December 8, 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-25-00091: GIBSON TAYLOR THOMPSON** - requests variances to reduce the required front yard setback from thirty (30) feet to twenty (20) feet and required side street side yard setback of a corner lot from thirty (30) feet to twenty-five (25) feet within the defined Infill and Redevelopment Area and an Historic District Overlay (H-1) zone in a Single Family Residential (R-1C) zone, on property located at 493 West Fifth Street/445 Willy Street. (Council District 1)

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

- a. Granting the variances 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 front and side street side yard setback that is more conforming than other structures in the immediate vicinity.
- b. Granting the variances will not alter the essential character of the area, which is primarily single family residential dwelling units with a variety of setbacks along W Fifth Street. The applicant is proposing front and side street yard setbacks that are compatible with the nearby residential development.
- c. The lot is unique in orientation compared to most lots in the area, nearby lots in the 400 block of W Fifth Street are oriented with their front yard on Fayette Park. This lot is unique in size and proportion to other lots in the area which create special circumstances that necessitate the need for the variances.
- d. The requested variances do 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. The applicant shall obtain a Certificate of Appropriateness for the proposed improvements from the Board of Architectural Review or the Division of Historic Preservation.
3. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.

2. **PLN-BOA-25-00130: SCOTT BOOK** – requests a variance to reduce the required side street side yard setback from thirty (30) feet to eight (8) feet in a Single Family Residential (R-1C) zone, on property located at 430 Pyke Road. (Council District 11)

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 corner lots in the general vicinity have a minimum of thirteen (13) feet for their side street side yard setbacks
- b. Granting the side street side yard variance would alter the essential character of the general vicinity. None of the surrounding properties have setbacks similar to the requested variance.
- c. Disapproval of the variance will not deprive the applicant of reasonable use of their property. There is sufficient space to expand the existing structure while meeting all necessary setbacks.

3. **PLN-BOA-25-00138: BRYAN AND MEGAN BROOKS** – requests a variance to reduce the required rear yard setback from one hundred (100') feet to ninety-seven (97') feet in an Expansion Area Residential 1 (EAR-1) zone, on property located at 3830 Branham Park. (Council District 7)

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

- a. Granting the variance should not adversely affect the public health, safety, or welfare nor alter the character of the general vicinity. The subject property features an irregular lot line and a natural vegetative buffer, and nearby properties feature a swimming pool as well.
- b. The granting of these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the applicant applied for and received the necessary permits and the applicant applied for this variance after it was determined that it was needed.

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

1. All necessary permits and/or approvals shall be obtained from the Division of Building Inspection prior to construction.

D. Conditional Uses

1. **PLN-BOA-25-00098: AR+R PROPERTIES 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 3017 Neal Drive. (Council District 10)

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 is one other short-term rental within the required 600-foot buffer; however, the rental is bisected by the perimeter of the buffer area and is therefore eligible for relief from this provision.
- e. The concentration of short-term rentals within 1,000 feet of the subject property is less than 2%.
- f. There is no record of short term rental compliance issues with the applicant.
- g. 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.

2. **PLN-BOA-25-00114: FAILA MPUNZI** – requests a conditional use permit for a Type II Childcare Center in a Planned Neighborhood Residential (R-3) zone, on property located at 1289 Marlena Lane. (Council District 2)

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

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties. The applicant's proposed hours of operation should be compatible with the residential neighborhood, and no changes are proposed to the residential structure to accommodate the proposed use. The Type II childcare center can accommodate parking in the existing driveway with possible short-term parking along the public street.
- b. All necessary public facilities and services are available and adequate for the proposed use.

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

1. Childcare for up to 12 children shall be provided in accordance with the submitted application materials and site plan.
2. The total number of non-resident employees on the property shall be limited to two in accordance with the submitted application materials.
3. During hours of operation, visitors to the property shall be limited to residents of the dwelling, employees, and individuals picking up or dropping off children.
4. All necessary permits, including a Zoning Compliance Permit and a Certificate of Occupancy, shall be obtained from the Divisions of Planning and Building Inspection prior to initiation of the childcare use beyond 6 children.
5. The use shall at all times operate in compliance with the regulations of the Kentucky Cabinet for Health and Family Services.

6. The conditional use shall become null and void should the applicant no longer reside at this location.

3 PLN-BOA-25-00117: ADRIANNE KAVANAUGH – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 1841 Gayle Circle. (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 is one other short-term rental within the required 600-foot buffer; however, the rental is bisected by the perimeter of the buffer area and is therefore eligible for relief from this provision.
- e. The concentration of short-term rentals within 1,000 feet of the subject property is less than 2%.
- f. There is no record of short term rental compliance issues with the applicant.
- g. 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.

4. PLN-BOA-25-00131: MEGHANN GREGORY – requests a conditional use permit to establish an assisted living facility in a Planned Neighborhood Residential (R-3) zone, on property located at 1121 Tanbark Road. (Council District 8)

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

- a. Granting the requested conditional use permit will not adversely affect the subject or surrounding properties, as the use will remain essentially the same; there will be only a slight increase in the number of residents that can be accommodated. The facility will be modernized to better serve the residents and staff, and adequate parking to meet the Zoning Ordinance requirement will be provided in the rear of the property. The facility will be certified by the State of Kentucky (per KRS 194A.700-729) and will be inspected by all appropriate local government agencies.
- b. All public facilities and services continue to be available and adequate for the new facility.

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

1. That the property be developed according to the submitted application and site plan.

2. That any permits, including a Zoning Compliance Permit, a Land Disturbance Permit (if necessary), a Paving Permit, a Building Permit and a Certificate of Occupancy be obtained from the Divisions of Planning, Engineering and Building Inspection, as appropriate.
 3. That, if not already done, all encroachment agreements be obtained from the Urban County Government, as well as all applicable utilities.
 4. That the parking area be paved and screened, in compliance with Articles 16 and 18 of the Zoning Ordinance.
5. **PLN-BOA-25-00136: TRANSYLVANIA UNIVERSITY** – requests to amend a conditional use permit to construct an addition to an existing on-campus building within the defined Infill and Redevelopment Area in a Medium Density Residential (R-4) zone, on property located on 350 N Broadway. (Council District 1)

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

- a. Expansion of an existing academic building should not have a negative effect on the public health, safety, or welfare and the use will fit in very well with the surrounding area, as the site has been used as academic facilities for many years and is located within the University's central campus.
- b. All necessary public services and facilities are available and adequate for the proposed use, including police and fire protection. Additionally, Transylvania has its own public safety department.

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

1. The property shall be developed in accordance with the approved site plan and application, allowing for slight modifications, if necessary, during the normal permitting process. This will be subject to the review and approval of the Divisions of Planning, Building Inspection, Traffic Engineering, and Engineering, as necessary.
2. All necessary permits, including a Building Permit, Zoning Compliance Permit and a Certificate of Occupancy, shall be obtained prior to the construction and occupancy of this building.

6. **PLN-BOA-25-00137: LEXINGTON KOREAN PRESBYTERIAN, INC** – requests to amend an existing conditional use permit for a place of religious assembly, on property located at 3534 Tate Creek Road. (Council District 8)

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

- a. Approval of the proposed modifications to the existing conditional use should not adversely affect the subject or adjoining/nearby properties, provided that all necessary permits and approvals are made. The new structure will be a space for the church to continue their current operations on site and will not result in an increase in traffic. The improvements will not change the capacity of the church building, the hours of operation or the days of activity on-site.
- b. All necessary public services and facilities are or will be available and adequate for the proposed use.

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 revised site plan dated 11/18/2025, 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 and occupancy.

3. All construction shall comply with the requirements of Article 19 of the Zoning Ordinance due to the proximity to the FEMA Floodplain.
4. Any new outdoor lighting shall comply with the requirements of Article 30 of the Zoning Ordinance.
5. A sidewalk, a minimum of five feet in width, shall be provided from the subject property's current parking lot to the building entrance.

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

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 January 12, 2026 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.

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.