

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

April 13, 2026

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 August 2025 and September 2025 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, 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. **Variances**

1. **PLN-BOA-26-00004: EYE 4 GROUP** – requests a variance to reduce the required setback for a free-standing sign from 10' to 3' in a University Research Campus (P-2) zone, on property located at 1565 McGrathiana Parkway. (Council District 2)

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

- a. The change in elevation of eight to ten feet along much of the property's frontage is a special circumstance that is unique to the subject property and justifies the need for the variance.
- b. The strict application of the Zoning Ordinance would create an unnecessary hardship for the applicant because a sign for a commercial use is a common request and the visibility of the sign would be significantly limited due to the change in elevation at the 10-foot setback.
- c. Granting the variance should not adversely affect the public health, safety, or welfare, as the sign will be located outside of the required sight-distance triangle and should not have an effect on traffic visibility. The placement of the sign should not alter the character of the general vicinity, as the requested signage is not out of scale or overwhelming in this location.

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

1. The sign shall be installed in accordance with the submitted application and site plan.
2. A revised permit application for the signage shall be submitted to the Division of Building Inspection in order to obtain a corrected permit from the Division of Building Inspection.

2. **PLN-BOA-26-00011: BRENNAN MULLINS** - requests a variance to reduce the required rear yard setback from twenty (20') feet to fifteen (15') feet and to increase the maximum driveway width from ten (10') feet to twenty (20') feet within the Infill and Redevelopment Area in a Planned Neighborhood Residential (R-3) zone, on property located at 644 Chestnut 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 would feature a setback from Pemberton Lane that is in 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. Nearby properties that are through lots also have rear parking areas that are accessed on Pemberton Lane.
- c. The 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 Board of Adjustment 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.

3. **PLN-BOA-26-00012: GREG BRUMAGEN** – requests a variance to reduce the required side street side yard setback for accessory structures from fifty feet (50') to twenty-two feet, eight inches (22' 8") in an Agricultural Rural (A-R) zone, on property located at 6970 Grimes Mill Road. (Council District 12)

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. Screening will be provided in the form of vegetation along McCalls Mill Road, a retaining wall between the pool area and Grimes Mill Road, and an aluminum fence and vegetation surrounding the pool area.
- b. Granting the variances will not result in construction that is out of character with the general vicinity. While the property located at 963 McCalls Mill Road is larger than the subject property, it also has an accessory structure in the side street side yard less than fifty feet from the right-of-way. The proposed screening will limit the proposed structures from affecting the character of the vicinity as well.
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The proposed location of the accessory structures is the only feasible spot on the property, given the size of the parcel, the current layout of the principal structure and the septic system, and the sloping topography. Additionally, the applicant applied for the variance as soon as it was determined that it was 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. The existing 293 square-foot non-conforming shed located in the northeast corner of the property will be removed prior to construction of the proposed accessory structures.

4. **PLN-BOA-26-00013: 1711 LAKEWOOD LANE LLC** – requests a variance to reduce the required front yard setback from forty (40) feet to zero (0) feet to modify a circular driveway

in the front yard in a Single Family Residential (R-1A) zone, on property located at 1711 Lakewood Lane. (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 alter the character of the general vicinity as this property already features an existing circular driveway and large front yard parking area and the surrounding area features multiple properties that have similarly designed front yard parking areas.
- b. 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, Engineering, and Traffic Engineering prior to paving.
3. No water may be diverted from this property onto any other nearby property.

5. **PLN-BOA-26-00014: WILLIAM WOOD (THE DRAFTING BOARD, INC.)** - requests a variance to reduce the vehicular use area perimeter buffer from eight feet (8') to zero feet (0') and reduce the width of the required zone-to-zone screening from fifteen feet (15') to zero feet (0') within the Infill and Redevelopment Area in a Light Industrial (I-1) zone, on property located at 419 Chair Ave. (Council District 11)

The Staff Recommends: **Approval of a lesser variance to reduce the required vehicular use area perimeter buffer from eight feet (8') to five feet (5') along the northwestern property boundary**, 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 provides adequate parking and pedestrian access for the proposed use while also providing screening from adjacent properties.
- b. 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.

The Staff Recommends: **Approval to reduce the width of the required property perimeter (zone-to-zone) screening from fifteen feet (15') to zero feet (0') along the southeastern property boundary**, 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 provides adequate parking and pedestrian access for the proposed use.
- b. 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.

These recommendations of approval are made subject to the following conditions:

1. The site shall be developed in accordance with the submitted application materials and a revised site plan.
2. The applicant shall receive approval of a final development plan before any work may begin.
3. All necessary permits shall be obtained from the Divisions of Building Inspection and

Engineering prior to construction.

6. **PLN-BOA-26-00017: HOLD THE DOOR PROPERTIES LLC** – requests a variance to increase the allowable height of a fence within the front yard from four (4) feet to six (6) feet in a Corridor Business (B-3) zone, on property located at 4050 Georgetown Road. (Council District 12)

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

- a. Granting a variance to allow a six-foot tall fence in the front yard of this property should not have a negative impact on the character of the general vicinity, as six-foot tall fencing is permitted in the front yard in the Agricultural Rural (A-R) zones located near the property. The applicant plans to install the fence 80 feet from the roadway and will install landscape screening. The fence will also be located at a setback consistent with front plane of the structure on the parcel to the immediate north of the subject property.
- b. There are special circumstances that justify the need for a variance because the property is somewhat irregular in shape, narrowing significantly from one end to the other and having a relatively shallow rear yard. Due to this shape and the location of the building, parking area, and stormwater detention basin to the rear of the property, the majority of the open space is located in the front yard. These circumstances result in available outdoor space for storage use by the applicant being significantly limited.

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

1. The fencing shall be installed in accordance with the submitted application materials and site plan.
2. A fence permit shall be obtained from the Division of Building Inspection, prior to construction.

7. **PLN-BOA-26-00019: SPEEDWAY LLC** – requests a variance to increase the required maximum front yard setback from twenty (20) feet to forty-one (41) feet in a Neighborhood Business (B-1) zone, on property located at 1318 Versailles Road. (Council District 11)

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

- a. Granting the variance will not adversely affect the subject property or surrounding properties; it will not pose a hazard or nuisance to the public, nor will it alter the character of the vicinity. Several other automobile service centers exist in the immediate vicinity and the site will be developed consistent with existing setbacks in the immediate area.
- b. The request features elements that reduce the impact of an increased maximum front-yard setback on the pedestrian experience, including installation of pedestrian improvements (wider sidewalks) and enhanced landscaping along an arterial corridor, which are consistent with the adopted Cardinal Valley Small Area Plan.
- c. Strict application of the Zoning Ordinance would have required the canopy to be located twenty feet closer to Red Mile Road, but that location would have impacted an existing storm runoff easement and the area necessary to install a public art project. Additionally, the site circulation for fuel delivery would have been impacted. Strict application of the Ordinance would now require that it be moved, which is not logical, nor is it reasonable.
- d. The requested variance is not the result of a willful violation of the requirements of the Zoning Ordinance on the part of the applicant. They sought advice from the Division of Planning earlier in the process, and were advised to wait to adjust the final development plan. Then a subsequent review did not identify the change in the canopy location and the building permit was issued based upon the submitted construction plans. An error by the Division of Planning

should not be held against the applicant as they proceeded with construction with the understanding that the plan met the Zoning Ordinance requirements.

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

1. The applicant shall obtain approval of an amended Final Development Plan consistent with the submitted application materials. The Final Development Plan shall denote the approval of the variance.
2. All other necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection, Engineering, or Planning.

8. **PLN-BOA-26-00020: GIBSON TAYLOR THOMPSON** – requests a variance to reduce the required side street side yard setback for a corner lot from thirty feet (30') to fifteen feet (15') within the Infill and Redevelopment Area and an H-1 Overlay District in order to construct a swimming pool in a Planned Neighborhood Residential (R-3) zone, on property located at 702 Central 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 nor alter the character of the general vicinity. The in-ground pool will be screened and not visible to the public, and a pool is a common feature in the general vicinity and residential zones.
- b. The granting of these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance as the side street side yard setback for the proposed pool will be greater than that of the primary residence, so it will not increase the non-conformity. Additionally, the applicant has applied for the variance as soon as it was determined that one was needed during the permit process, and prior to beginning 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 Division of Building Inspection prior to construction.

D. Conditional Uses

1. **PLN-BOA-26-00006: BEHAVIORAL HEALTH REAL ESTATE ASSOCIATES** – requests a conditional use permit for a rehabilitation home within a Neighborhood Design (ND-1) Overlay zone in a Planned Neighborhood Residential (R-3) zone, on property located at 319 Duke Road. (Council District 5)

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

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties, as the proposed rehabilitation home use will utilize the existing building and will be similar in terms of hours and patterns of operation as the personal care facility that was previously approved at this location.
- b. All public facilities and services continue to be available and adequate for the facility.

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

1. The property shall be operated in accordance with the submitted application materials and site plan.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning and Building Inspection, as well as necessary state agencies, prior to occupancy.

2. **PLN-BOA-26-00008: FAITHPOINTE MINISTRIES INC** – requests to amend an existing a conditional use permit for a place of religious assembly in order to construct an addition in a Single Family Residential (R-1C) zone, on property located at 549 Parkside Drive. (Council District 6)

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 addition 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.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning, Building Inspection, and Engineering, prior to construction and occupancy.
3. Any new outdoor lighting shall comply with the requirements of Article 30 of the Zoning Ordinance.

3. **PLN-BOA-26-00009: LEXINGTON UNIVERSAL ACADEMY** - requests to amend an existing conditional use permit for a school for academic instruction in order to construct a parking area in the Agricultural Urban (A-U) zone, on property located at 4590 Nicholasville Road (aka 4580 Nicholasville Road). (Council District 4)

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 an existing vegetative buffer screening the property from nearby residential uses. The alternative plan proposed by Traffic Engineering allows for additional vehicle stacking and parking on-site without impacting most of the landscaping between Nicholasville Road and the parking area.
- 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 alternative plan will help to mitigate traffic and vehicle stacking issues.

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

1. The property shall be developed and operated in accordance with the alternative site plan submitted by the Division of Traffic Engineering. The applicant shall submit a revised site plan reflecting the changes proposed by Traffic Engineering in their alternative site plan, subject to any alterations required throughout the permitting process.
2. The access point at the southwestern corner of the property shall be gated off as shown in the alternative site plan submitted by the Division of Traffic Engineering and remain unpaved.
3. 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.

4. **PLN-BOA-26-00016: TINASHE AND CLAUDETTE CHIGEDE** - requests a conditional use permit for an un-hosted short term rental in an Expansion Area Residential (EAR-2) zone, on property located at 3037 Polo Club Boulevard. (Council District 12)

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:

3. 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 eight (8) 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.

5. **PLN-BOA-26-00018: SCJL V LLC** - requests a conditional use permit for an un-hosted short term rental in a Townhouse Residential (R-1T) zone, on property located at 1590 Higbee Mill Road. (Council District 9).

The Staff Recommends: **Approval of a lesser occupancy of six (6) 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%.
- 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.
- IV. BOARD ITEMS** – The Chair will announce that any items a Board member wishes to present will be heard at this time.
- A. DISCUSSION ABOUT MOTION PROCEDURES** – At this time, the staff of the Law Department would like to briefly discuss appropriate procedures for motions of the Board of Adjustment.
- 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 May 11, 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.