

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

August 10, 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 October 2025 and November 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. **Variance Appeals**
 1. **PLN-BOA-26-00052: JAMES MATHEWS** – requests a variance to increase the maximum height of a wall in the side street side yard from four (4) feet to five (5) feet in a Single Family Residential (R-1C) zone, on property located at 298 Lafayette Parkway. (Council District 10)

The Staff Recommends: **Disapproval**, for the following reasons:
 - a. The applicant has not provided a 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. Four-foot tall fences in the side street side yard are typical across residential zones.
 - b. Granting the variance could have adverse effects on the public health, safety, or welfare, as a 5-foot fence would reduce site distances and create a hazard for pedestrians and drivers in close proximity to a public school.
 - c. 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 applicant could reduce the height of the fence to four feet without needing a variance.
 2. **PLN-BOA-26-00054: IRYNA V. VESTRING AND SERHIY YAREMCHUK** – requests a variance to reduce the minimum length of a driveway from the beginning location to the flare from fifteen (15) feet to thirteen (13) feet, six (6) inches within the Infill and Redevelopment Area in a Single Family Residential (R-1C) zone, on property located at 643 E. Loudon Avenue. (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 cause a hazard or nuisance to the public. The existing

driveway and garage configuration provides parking in an area where there is no on-street parking. Additionally, the driveway is similar to the existing conditions of nearby properties.

- b. Granting the variances will not result in a development pattern that is out of character with the general vicinity. Nearby properties also have driveways that are non-conforming.
- c. Strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the residence and driveway were constructed by the previous owner, but not in accordance with the site plan approved by the Division of Building Inspection, making the required flare width and placement no longer possible.
- d. 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, while the previous owner constructed the driveway not in accordance with the approved site plan, the applicant applied for the variance as soon as they were notified that it was needed.

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-26-00059: KENWICK PARTNERS, LLC** - requests a variance to reduce the required front yard setback from eighty-seven (87) feet to twenty (20) feet in order to construct a single family residence within the Infill and Redevelopment Area in a Mixed Low Density Residential (R-2) zone, on property located at 272 Lincoln Avenue. (Council District 5)

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

- a. Granting the variance should not adversely affect public health, safety, or welfare of the general vicinity, nor cause a hazard or nuisance to the public. The subject property is within the defined Infill and Redevelopment Area and the proposed structure features a front yard setback that is keeping with other structures in the immediate vicinity.
- b. Granting the variances will not result in construction that is out of character with the general vicinity. The surrounding properties along Lincoln Avenue also have a variety of front yard setbacks.
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The intent of the Infill and Redevelopment Area regulations is to allow new construction that is compatible with existing development patterns in older, established neighborhoods. The Zoning Ordinance specifically states that BOA action may sometimes be required in order to facilitate appropriate development without creating an unusual hardship or development that is incompatible with the existing pattern of the neighborhood. Additionally, the applicant has applied for the 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.

D. Conditional Use Appeals

1. **PLN-BOA-26-00038: BEREA CHRISTIAN CHURCH** - requests to amend an existing conditional use permit for a place of religious assembly in order to construct a sanctuary and parking lot and a variance to reduce the front yard setback from fifty (50) feet to fifteen (15)

The Staff Recommends: **Approval** of the conditional use permit, 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 building will be a space for the church to continue their current operations on site for a growing congregation, and the proposed parking is sufficient to accommodate the anticipated visitors to the church. The improvements will not change 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 a revised site plan detailing a building setback consistent with the existing structure, and the removal of parking within the floodplain.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning, Building Inspection, Engineering, and Traffic Engineering, prior to construction and occupancy.
3. The applicant shall obtain any necessary approvals from the Fayette County Board of Health regarding the capacity of the on-site septic system to accommodate the facility expansion.
4. Any new outdoor lighting shall comply with the requirements of Article 30 of the
5. Zoning Ordinance.
6. No parking shall be permitted within the floodplain.
7. No change in grade shall be permitted within the 25-foot floodplain setback or the floodplain.
8. Water quality elements shall be installed within the parking area.
9. Only temporary parking will be permitted within the 25-foot floodplain setback.
10. A stormwater management plan shall be implemented in accordance with the adopted Engineering Manual, subject to acceptance by the Division of Engineering.

The Staff Recommends: **Approval** of a lesser variance to reduce the front yard setback from fifty (50) feet to thirty (30) feet, for the following reasons:

- a. Granting the lesser variance should not adversely affect the public health, safety, or welfare of the general vicinity, nor alter the character of the general vicinity as it allows the proposed structure to be constructed outside of the floodplain and 25-foot floodplain setback, and the proposed building will have a front yard setback similar to the existing building.
- b. Granting the lesser variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance. The presence of the floodplain and floodplain setback limits where the proposed building can be located. Additionally,

the applicant has applied for the necessary variance 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. The site shall be developed in accordance with the submitted application materials and a revised site plan.
2. All necessary permits shall be obtained from the Divisions of Building Inspection and Engineering prior to construction.

2. **PLN-BOA-26-00055: JESSICA B. JUSTICE** – requests a conditional use permit for an un-hosted short term rental within the Infill and Redevelopment Area in a Single Family Residential (R-1D) zone, on property located at 429 Ferguson Street. (Council District 11)

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

- a. The three factors listed in Article 3-13(g) of the Zoning Ordinance have been evaluated, in addition to the requirements of Article 7 of the Zoning Ordinance and KRS 100.237
- b. No other STRs have been cited in the vicinity as a nuisance and there is no record of short term rental compliance issues with the applicant; however, based on a review of the data, the subject property is located within a top 10 Census Block Group identified by the Neighborhoods in Transitions Task Force which could negatively impact the surrounding neighborhood by heightening issues with gentrification and displacement within a neighborhood that is already vulnerable to involuntary displacement.

3. **PLN-BOA-26-00057: JACOB AND LINDSAY COLEMAN** - requests a conditional use permit for an un-hosted short term rental within the Infill and Redevelopment Area in a Single Family Residential (R-1C) zone, on property located at 286 Rosemont Garden. (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 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.

4. **PLN-BOA-26-00060: LFG 1 LLC** - requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 1324 Saddle Club Way. (Council District 11)

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,
5. 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-26-00061: ABBIE JONES CONSULTING** - requests variances to 1) reduce the required side yard setback from twenty-five (25) feet to four (4) feet and 2) reduce the required vehicular use area perimeter buffer from eight (8) feet to two (2) feet; and to amend an existing conditional use permit for a veterinary clinic in order to construct an addition and modify an existing vehicular use area in an Agricultural Urban (A-U) zone, on property located at 1230 Armstrong Mill Road. (Council District 8)

The Staff Recommends: **Approval** of the conditional use permit, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject property or surrounding properties. This is a well-established veterinary clinic, and the proposed addition to the structure and vehicular use area will not result in changes to the operation of the veterinary clinic use.
- b. The proposed addition and parking area are located to the rear of the property and will have limited visibility from Armstrong Mill Road.
- c. All necessary public facilities and services are available and adequate for the

proposed expansion of the use.

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, including a Zoning Compliance Permit and a Building Permit, shall be obtained from the Divisions of Planning and Building Inspection prior to construction and occupancy of the building.
3. The property shall be landscaped and screened in accordance with the landscape materials and spacing requirements of Article 18-3(a)(2) of the Zoning Ordinance.
4. Any required storm water management measures will comply with the Storm Water Manual and be approved by the Divisions of Engineering and Water Quality, as appropriate.
5. The applicant shall maintain a six-foot high privacy fence along the parking area that adjoins the adjacent residential use.

The Staff Recommends: **Approval** of the variances to reduce the required side yard setback from twenty-five (25) feet to four (4) feet and reduce the required vehicular use area perimeter buffer from eight (8) feet to two (2) feet, for the following reasons:

- a. Granting the variances should not adversely affect the public health, safety, or welfare of the general vicinity, nor alter the character of the general vicinity as the subject property features an existing structure with a non-conforming setback, and the proposed addition will not exceed the existing setback. In addition, the proposed vehicular use area should have little visual impact on the surrounding properties. A reduced vehicular use area perimeter buffer will be provided, the privacy fence will be maintained, and the expansion to the vehicular use area is located at the rear of the property.
- b. The requested variances arise from special circumstances that do not generally apply to land in the general vicinity, or in the same zone, as the subject property is significantly smaller in size than other properties in an Agricultural Urban zone which restricts the buildable area of the 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.
2. All necessary permits shall be obtained from the Divisions of Building Inspection and Engineering prior to construction.
3. The reduced vehicular use area perimeter buffer of two (2) feet shall apply to only the west and east sides of the expanded vehicular use area

IV. BOARD ITEMS

- A. RECOVERY RESIDENCES – REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT PRESENTATION** – The LFUCG Law Department will present information about reasonable accommodations for recovery residences.

- 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 September 14, 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: https://lfucg.granicus.com/player/camera/5?publish_id=46&redirect=true

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.