

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING
SEPTEMBER 14, 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 November 2025 and December 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-26-00051: NICHOLAS WOLTER** – requests a variance to reduce the required front yard setback from five (5) feet to zero (0) feet in order to construct a driveway in an Expansion Area Residential (EAR-2) zone, on property located at 716 Harrison Trace. (Council District 1)

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. The granting of the variance will adversely affect the public health, safety or welfare, as there is not sufficient space to accommodate parked vehicles within the driveway without impeding or blocking the public sidewalk in the area.
 - b. The applicant has not provided sufficient information to determine that strict enforcement of the Zoning Ordinance will result in unnecessary hardship or deprive the applicant of the reasonable use of their land. On-street parking is available along Harrison Trace.
 - c. The granting of this variance could allow an unreasonable circumvention of the requirements of the Zoning Ordinance as the prohibition on parking in the front yard area is consistent across all residential zones, and the regulations pertaining to the Expansion Area Residential zones further explicitly prohibit the applicant's proposed configuration.
 2. **PLN-BOA-26-00058: MATTHEW GENE LAWSON** – requests a variance to reduce the required front yard setback from twenty (20) feet to zero (0) feet within the Infill and Redevelopment Area in a Planned Neighborhood Residential (R-3) zone, on property located at 232 Warnock Street. (Council District 1)

The Staff Recommends: **Approval**, for the following reasons:
 - a. The request will not negatively impact the public health, safety, or welfare as the

driveway meets all other ordinance requirements and is deep enough to accommodate vehicles without blocking the sidewalk or right-of-way.

- b. The request is not out of character with the general vicinity, as adjoining residences appear to feature similar nonconforming driveways.
- c. The property features a drop in grade that limits the ability to extend the driveway far enough to the rear of the site to accommodate the required depth.

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.

3. **PLN-BOA-26-00067: KELLEY NAVARRO** – requests a variance to reduce the required side yard setback from twenty-five (25) feet to nine (9) feet, five (5) inches in order to construct an addition to an existing non-conforming structure in an Agricultural Rural (A-R) zone, on property located at 3812 Royster 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 nor alter the character of the general vicinity. The renovated structure will match the setbacks of the existing structure and retains sufficient space between the structure and the side lot lines for access by emergency services, as well as retaining privacy for the adjoining residences.
- b. The lot's existing size and narrow shape are unique circumstances that unreasonably restrict the applicant's ability to construct any addition to the home.
- c. The granting of these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance as the new development does not encroach any further into the side lot lines. 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.

4. **PLN-BOA-26-00071: EMBRY PROPERTY MANAGEMENT LLC** – Requests variances to 1) increase the allowable size of all buildings accessory to the dwelling unit from 731.5 square feet to 1,760 square feet (120.3% of the existing residence) and 2) increase the maximum height of an accessory building from 18 feet, 9 inches to 19 feet, 2 inches within the Infill and Redevelopment Area in a Single Family Residential (R-1C) zone.

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.
- b. The granting of these variances 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.

- c. The variance is a result of work conducted without a permit, subsequent to the adoption of the Zoning Ordinance regulation.

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-26-00062: OLIVE BRANCH CHURCH** – requests a conditional use permit to occupy an existing structure for a place of religious assembly in a Wholesale and Warehouse Business (B-4) zone, on property located at 2380 Fortune Drive. (Council District 6)

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

- a. Approval of the proposed conditional use should not adversely affect the subject or adjoining/nearby properties, provided that all necessary permits and approvals are made. Traffic impacts of the proposed use should be minimized as the proposed hours of operation of the church and the existing business on the site do not overlap.
- b. 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 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. **PLN-BOA-26-00063: TNT KENTUCKY ESTATES LLC** – requests a conditional use permit for an un-hosted short term rental in a Mixed Low Density Residential (R-2) zone, on property located at 3182 Aqueduct Drive. (Council District 8)

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.

4. **PLN-BOA-26-00064: BLAMA 2 LLC** – requests a conditional use permit for an un-hosted short term rental in a Townhouse Residential (R-1T) zone, on property located at 1032 Lakefront Drive. (Council District 8)

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:

5. The short term rental use shall be established in accordance with the submitted application materials and site plan.
6. Occupancy of the short term rental shall be limited to no more than six (6) individuals.
7. 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.
8. 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-26-00065: TIFFANY KRUGER** – requests a conditional use permit for a home-based business (individual physical therapy sessions and health coaching) in a Single Family Residential (R-1D) zone, on property located at 1104 Aldridge Way. (Council District 8)

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

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties, as it should not create disturbing levels of traffic, noise, or odors. Adequate off-street parking is available.
- 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. The home-based business (individual physical therapy sessions and health coaching) shall be operated in accordance with the submitted application materials

- and site plan, with appointments only on an individual basis.
2. 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 use.
 3. The conditional use shall become null and void should the applicant no longer reside at this location.

6. **PLN-BOA-26-00066: JON KEVIN BAKER** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1C) zone, on property located at 262 Albany Road. (Council District 3)

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.

7. **PLN-BOA-26-00074: SHILOH BAPTIST CHURCH** – requests a conditional use permit to establish a childcare center within the Infill and Redevelopment Area in a Planned Neighborhood Residential (R-3) zone, on property located at 227-237 E. Fifth Street & 238-246 Engman Avenue. (Council District 1)

The Staff Recommends: Approval, for the following reasons:

- a. The proposed conditional use should not adversely affect the subject or surrounding properties, as the request will utilize existing classroom space for the head start program.
- b. The expansion of the use should not adversely affect traffic in the immediate area and sufficient parking is available on the subject property.
- c. 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. The childcare center shall operate in accordance with the submitted site plan and application materials, as amended to comply with outdoor play area requirements.
 2. The use shall at all times operate in compliance with the regulations of the Kentucky Cabinet for Health and Family Services.
 3. A screened and fenced outdoor play area shall be provided, containing no less than 25 square feet per child.
8. **PLN-BOA-26-00076: SOUTHERN COOKHOUSE & BAR** – requests a conditional use permit to establish live entertainment and a variance to reduce the minimum distance between a live entertainment use and a residential zone from one hundred (100) feet to twenty-four (24) feet in a Community Center (CC) zone, on property located at 840 Hays Boulevard (aka 844 Hays Boulevard). (Council District 7)

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

- a. The proposed live entertainment should not adversely affect the subject or surrounding properties as the live entertainment areas are positioned to be further away from the nearest residential zone. The live entertainment areas are separated from other surrounding residential uses by landscaping and Hays Boulevard, and the restaurant provides separation between the outdoor live entertainment area and the nearest residential structure within the development.
- b. All necessary public facilities and services are available and adequate for the proposed use.
- c. Granting the requested variance will not adversely affect the public health, safety or welfare. It will not alter the character of the general vicinity and will not cause a hazard or nuisance to the public provided the hours of operation are limited to those listed in the submitted application materials, and provided that no outdoor amplification is provided. No expansion of the existing building is required or proposed by the applicant to accommodate this use.
- d. Granting the requested variance will not result in an unreasonable circumvention of the Zoning Ordinance. Although a residential zone is closer to the proposed use than 100 feet, the shortest distance between a live entertainment area and a residential structure is approximately 150 feet.

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

1. The live entertainment shall be operated in accordance with the submitted application materials and site plan.
2. The hours of operation shall occur in accordance with the submitted application materials.
3. All necessary permits, including a Zoning Compliance Permit, shall be obtained from the Divisions of Planning and Building Inspection prior to initiation of the use.
4. No external amplification for the outdoor live entertainment shall be permitted.

IV. BOARD ITEMS

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 October 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: https://fucg.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.