

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

October 12, 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 January 2026 and February 2026 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.

PLN-BOA-26-00075: WOODLAKE PROPERTIES LLC – requests a conditional use permit to establish indoor live entertainment within one hundred (100) feet of a residential zone within the Infill and Redevelopment Area in a Neighborhood Business (B-1) zone, on property located at 125 Cherrybark Drive. (Council District 10)

NOTE: *The Applicant would like a postponement to the November 9, 2026 meeting.*

PLN-BOA-26-00084: BARNES MILL FARM II LLC – requests a conditional use permit for an un-hosted short term rental in an Agricultural Rural (A-R) zone, on property located at 5121 Jacks Creek Pike. (Council District 12)

NOTE: *The Applicant would like a postponement to the November 9, 2026 meeting.*

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-26-00071: 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, on property located at 112 Garrett Avenue. (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.
- 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.

4. **PLN-BOA-26-00077: THADDEUS ROBERT SALMON III** – requests a variance to reduce the required side yard setback for an accessory structure that projects between the principal structure and the side lot line from eight (8) feet to one-and-one-half (1½) feet in order to construct a detached garage in a Single Family Residential (R-1C) zone, on property located at 929 Idlewild Court. (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, nor should it alter the character of the general vicinity. The garage is proposed to be located in the same area as a previously demolished accessory structure, and allows for sufficient circulation around the property for emergency services.
- b. The previous accessory structure was located fully behind the residence. Following the demolition of that garage, an addition was constructed to the residence, so that the previous garage location is now between the principal structure addition and the side lot line.
- c. The variance does not attempt to circumvent the provisions of the Zoning Ordinance, as the applicant has applied for a variance as soon as it was determined 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 approvals shall be obtained from the Division of Building Inspection prior to completion of construction.

5. **PLN-BOA-26-00078: COLLEEN HARMELING** - requests a variance to increase the allowable floor area ratio (FAR) from 0.35 to 0.457 in order to construct an addition within the Infill and Redevelopment Area and an H-1 Overlay District in a Single Family Residential (R-1E) zone, on property located at 335 Transylvania Park. (Council District 3)

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

- a. Granting the requested variance should not adversely affect the public health, safety, or welfare, nor should it alter the character of the general vicinity. The proposed addition is small relative to the size of the existing structure and will not have much, if any, impact on the appearance of the house from Transylvania Park, as the proposed addition will be located to the rear of the house.
- b. The variance does not attempt to circumvent the provisions of the Zoning Ordinance, as the request will not increase the residential density of the site, and the applicant has applied for a variance as soon as it was determined it was needed, prior to starting construction.
- c. The Zoning Ordinance specifically states that BOA action may sometimes be required within the defined Infill and Redevelopment Area in order to facilitate appropriate development without creating an unusual hardship or development that is incompatible with the existing pattern of the neighborhood.

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 approvals shall be obtained from the Division of Historic Preservation and Division of Building Inspection prior to completion of construction.

6. **PLN-BOA-26-00079: CANOPY PROPERTY MANAGEMENT LLC** – requests variances to 1) reduce the required rear yard setback from 11.9 feet to four (4) feet, six (6) inches, 2) reduce the required front yard setback from five (5) feet to zero (0) feet, 3) increase the maximum amount of paved area from 60 percent to 84.62 percent of the total required front yard, and 4) reduce the required setback from the side lot lines for paved areas from two (2) feet to zero (0) feet in order to construct a duplex

and parking area within the Infill and Redevelopment Area in a Planned Neighborhood Residential (R-3) zone, on property located at 246 Idaho Avenue. (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 request will not negatively impact the public health, safety, and welfare as the driveway directly adjoins and backs into a substandard roadway.
- b. The request is out of character with the general vicinity as the area is largely characterized by lots without parking areas within the front yard, and the prohibition on parking in the front yard area is consistent across all residential zones.
- c. The denial of the variances will not deprive the applicant of reasonable use of the property. Other properties in the vicinity utilize on-street parking, and there is sufficient room on the property to develop the duplex without any variances and at the proposed size if the front parking areas were not present.

D. Conditional Use Appeals

1. **PLN-BOA-26-00038: BEREIA 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) feet in an Agricultural Rural (A-R) zone, on property located at 3894 Iron Works & 2675 Berea Road. (Council District 12)

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 revised conditions:

1. The property shall be developed and operated in accordance with the submitted application materials and a revised site plan detailing the removal of all 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 Zoning Ordinance.
5. No parking shall be permitted within the floodplain, unless approved by the Urban County Engineer or the Floodplain Appeals Committee in compliance with Article 19 of the Zoning Ordinance.
6. No change in grade shall be permitted within the floodplain.
7. Water quality elements shall be installed within the parking area.

8. 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-26-00063: 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.

3. **PLN-BOA-26-00073: IDLE HOUR COUNTRY CLUB** – requests to amend an existing conditional use permit for a golf course and country club in order to construct a bar within the Infill and Redevelopment Area in a Single Family Residential (R-1B) zone on property located at 1815 Richmond Road (Council District 5)

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 relatively small size, the physical arrangement of the proposed bar on the subject property, and the existing screening will minimize any potential negative impacts. The proposed change to the country club's facilities will not alter the existing character of the subject property, or the neighborhood, as the proposed bar is consistent with the existing uses on the 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. 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 occupancy of the proposed structure.

4. **PLN-BOA-26-00080: HG HOMES OF KY, LLC** - requests a conditional use permit for an un-hosted short term rental in a Planned Neighborhood Residential (R-3) zone, on property located at 3573 Laredo Drive. (Council District 4)

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.

5. **PLN-BOA-26-00081: BOONES CREEK BAPTIST CHURCH** – requests to amend an existing conditional use permit for a place of religious assembly in order to construct a residence in an Agricultural Rural (A-R) zone, on property located at 185 N. Cleveland Road. (Council District 12)

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 or nearby properties, provided that all necessary permits and approvals are made.
- b. The new accessory residence will replace the existing residence on the property and will not result in an increase in traffic. The improvements will not change the days of activity on-site. 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 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.
4. The septic system shall be inspected by the Fayette County Board of Health to determine its adequacy relative to the proposed construction.
5. The existing 1,794 square-foot residence shall be demolished within six (6) weeks of obtaining a Certificate of Occupancy for the proposed 2,866 square-foot residence.
6. The church shall take the following measures to ensure that the proposed residence does not have a negative effect on the adjacent cemetery:
 - a. A temporary fence shall be placed 10' from cemetery property line.
 - b. No construction equipment shall be placed on the cemetery property.
 - c. No excavation, grading, or digging shall occur within 10' of the cemetery property line.

6. **PLN-BOA-26-00082: COMPASS CAPITAL RETAIL PARTNERS, LLC** – requests a conditional use permit for a drive-through facility in a Commercial Center (B-6P) zone, on property located at 3130 Pimlico Parkway. (Council District 8)

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

- a. The proposed drive-through facility will adversely affect the surrounding properties as the request places a portion of the stacking area for the proposed drive-through behind a stop line, encouraging vehicles to pull forward in the direction of the order point after stopping and blocking circulation within the shopping center.
- b. The proposed drive-through will negatively affect the public health, safety, and welfare as the proximity of the existing drive-through facility to the proposed drive-through facility creates the need for vehicles to access the drive-through from the passenger side of the vehicle, and creates an unsafe turning condition as vehicles exit the drive-through lanes to the rear of the buildings where visibility is limited.
- c. The disapproval of the variance will not create an unnecessary hardship for the applicant. Retail, and service uses have successfully operated within this unit without a drive-through facility.

7. **PLN-BOA-26-00083: TEARICA COBB** – requests a conditional use permit for a home-based business (barber shop) in a Single Family Residential (R-1D) zone, on property located at 933 De Porres Avenue. (Council District 1)

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. The property is of a sufficient size to serve the limited number of clients to the home on a daily and weekly basis.
- 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 barber shop business shall be operated in accordance with the submitted application materials and site plan, with appointments only on an individual basis.
2. The use shall operate in accordance with the requirements of the Kentucky Board of Barbering.
3. 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.
4. The conditional use shall become null and void should the applicant no longer reside at this address.

IV. BOARD ITEMS

- A. **RA-26-00001: PERFECT IMPERFECTIONS KENTUCKY** – requests an appeal for a zoning compliance permit, seeking an accommodation under the federal Fair Housing Act in order to operate a recovery residence for up to twelve (12) individuals in the Single Family Residential (R-1C) zone, at 1006 Gainesway Drive (Council District 8).
- B. **RA-26-00002: PERFECT IMPERFECTIONS KENTUCKY** – requests an appeal for a zoning compliance permit, seeking an accommodation under the federal Fair Housing Act in order to operate a recovery residence for up to ten (10) individuals in the Single Family Residential (R-1C) zone, at 1603 Versailles Road (Council District 11).
- C. **RA-26-00003: BEGIN AGAIN LEX** – requests an appeal for a zoning compliance permit, seeking an accommodation under the federal Fair Housing Act in order to operate a recovery residence for up to ten (10) individuals in the Planned Neighborhood Residential (R-3) zone, at 2076 Coriander Lane (Council District 6).

- 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 November 9, 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.