

**AGENDA FOR THE BOARD OF ADJUSTMENT MEETING**

October 13, 2025

I. **CALL TO ORDER** - Chair Sturdivant will call the meeting to order at 1:30 p.m. in the Council Chambers, 200 East Main Street, Lexington, Kentucky.

II. **APPROVAL OF MINUTES**

The Board of Adjustment meeting minutes for April and May minutes will be considered at this time.

III. **PUBLIC HEARING ON ZONING APPEALS**

A. **Swearing of Witnesses** - The Chair will announce that any applicant or objector, or anyone in the audience who plans to speak to any appeal before the Board should stand, in order to be sworn in at this time.

B. **Sounding the Agenda** - To expedite the completion of agenda items, Chair Sturdivant will sound the agenda with regards to any postponements, withdrawals, and items requiring no discussion.

C. **Postponements**

1. **PLN-BOA-25-00030: CANE MANOR LLC** – requests a conditional use permit for an un-hosted short term rental in an Agricultural Rural (A-R) zone on property located at 2593 Berea Road. (Council District 12)

**Note:**

*This case has been postponed by the Board at the following meetings:*

*April 10, 2025*

*June 9, 2025*

*July 14, 2025*

*The applicant has not amended their application; therefore, no further review has occurred.*

D. **Variance Appeals**

1. **PLN-BOA-25-00100: STACY CHASE** – requests variances to 1) reduce the required side yard from eight (8) feet to two (2) feet, and 2) reduce the required side street side yard setback of a corner lot from thirty (30) feet to one (1) foot in a Single Family Residential (R-1C) zone, on property located at 117 Vista Street. (Council District 10)

**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. There is

approximately 20 feet of space between the proposed structure and the adjoining home at 115 Vista Street, and the proposed construction on Picadome Park will match or exceed the existing home's setback.

- b. Granting the variances will not result in construction that is out of character with the general vicinity. Properties within the immediate vicinity feature non-conforming side-yard setbacks, and the proposal will retain the same side street side yard setback that has characterized the site since the home's construction in 1937.
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance as 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. All fencing that encroaches into LFUCG right-of-way shall be removed or relocated out of the right-of-way unless an encroachment agreement is obtained from LFUCG to allow the fencing to remain.
4. The rear porch shall remain unenclosed
5. The driveway in front of the principal structure shall be removed.

2. **PLN-BOA-25-00111: UPSTART DEVELOPMENT** – requests variances to 1) reduce the required side yard setback from five (5) feet to three (3) feet and 2) reduce the required side street side yard setback of a corner lot from five (5) feet to four (4) feet within the defined Infill and Redevelopment area in a Medium Density Residential (R-4) zone, on property located at 536 W Fifth Street. (Council District 1)

The Staff Recommends: **Approval of the request to reduce the required side yard setback from five (5) feet to three (3) feet**, 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 subject property is within the defined Infill and Redevelopment Area and the proposed structure features a side yard setback that is keeping with other structures in the immediate vicinity.
- b. Granting the variance will not result in construction that is out of character with the general vicinity. The surrounding properties also have non-conforming side yard setbacks.
- c. The variance request does not attempt to circumvent the provisions of the Zoning Ordinance. The applicant 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 an updated site plan.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Building Inspection prior to construction.

The Staff Recommends: **Disapproval of the request to reduce the required side street side yard setback of a corner lot from five (5) feet to four (4) feet**, 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 variance.
- b. 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. A redesign of the floor plan will allow the applicant to meet the requirements and achieve their desired objectives.
- c. The reduction in the side street side yard setback for a multi-story multi-family use would negatively impact the walkability of the area, and is out of character with the existing setbacks for the majority of development along this block of Smith Street.

#### **E. Conditional Uses**

1. **PLN-BOA-25-00106: M-3 FAMILY INVESTMENT LLC** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 3996 Barnard Drive. (Council District 6)

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

- a. The proposed use should not have an adverse influence on the subject property or the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users.
- b. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- c. No short term rentals in the area have been cited as a nuisance.
- d. There 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.

2. **PLN-BOA-25-00107: THIDA YI YI** – requests a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 2111 Stonewood Lane. (Council District 6)

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

- a. The proposed use should not have an adverse influence on the subject property or

- the surrounding neighborhood, as the structure is large enough to accommodate the proposed number of users. The proposed use should not have an adverse impact on traffic in the general vicinity as adequate parking is available.
- 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 Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.
3. **PLN-BOA-25-00108: MINT PILLOW PROPERTY MANAGEMENT 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 808 Gunpowder Drive. (Council District 6)

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. The applicant has a documented history of compliance issues with the short term regulations, including citations at other locations. The applicant has willfully violated the rules and regulations set forth in the Code of Ordinances, Chapter 13, Article 5 and its sub-sections. This documented history of non-compliance provides strong evidence that the operation of another short term rental could cause an adverse influence on the surrounding neighborhood by creating a nuisance.
4. **PLN-BOA-25-00109: GLENWOOD RETREAT 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 3112 Glenwood Drive. (Council District 6)

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. There is one existing short term rental within 600 feet of the subject property.
- c. The applicant has a documented history of compliance issues with the short term regulations, including citations. The applicant has willfully violated the rules and regulations set forth in the Code of Ordinances, Chapter 13, Article 5 and its sub-

sections. This documented history of non-compliance provides strong evidence that the continued operation of this short term rental will cause an adverse influence on the surrounding neighborhood by creating a nuisance.

5. **PLN-BOA-25-00110: BRITTANY EVERMAN** – requests a conditional use permit for an unhosted short term rental in a Single Family Residential (R-1E) zone, on property located at 156 Greenway Lane. (Council District 2)

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 ten (10) 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.

6. **PLN-BOA-25-00112: JANELLE BLESSING** – requests a conditional use permit for an un hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 2008 Oleander Drive. (Council District 10)

The Staff Recommends: **Approval of a lesser occupancy of eight (8) 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 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.

- 7. **PLN-BOA-25-00113: PETE JACKSON HOUSE, 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 131 N Broadway Park. (Council District 1)

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.

- 8. **PLN-BOA-25-00115: FLOWSTATE PROPERTIES** – requests a conditional use permit for an unhosted short term rental in a Single Family Residential (R-1C) zone, on property located at 1717 Liberty 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 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.

- IV. **BOARD ITEMS** – The Chair will announce that any items a Board member wishes to present will be heard at this time.
- V. **STAFF ITEMS** - The Chair will announce that any items a Staff member wishes to present will be heard at this time.
- VI. **NEXT MEETING DATE** - The Chair will announce that the next meeting date will be November 10, 2025 at 1:30 p.m. in Council Chambers, 2<sup>nd</sup> Floor, 200 E. Main St., 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://fucq.granicus.com/MediaPlayer.php?publish\\_id=12](http://fucq.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.