

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

January 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 June 9, 2025 and July 14, 2025 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. **Conditional Uses**

1. **PLN-BOA-25-00132: BARNETT BUNGALOWS LLC** – request a conditional use permit for an un-hosted short term rental in a Single Family Residential (R-1D) zone, on property located at 4236 Desdemona Way. (Council District 9)

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 within the garage, on the driveway and on-street.
- 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 within 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 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-25-00133: JOLLY PROPERTIES 3501 GEORGETOWN LLC** – requests a variance to reduce the spacing requirements between short-term rentals from one (1) mile

(5,280 feet) to 3,603 feet and a conditional use permit for an un-hosted short term rental in an Agricultural Rural (A-R) zone, on property located at 3501 Georgetown Road. (Council District 12)

The Staff Recommends: **Disapproval of the variance**, 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 a variance to the spacing requirement. The one-mile spacing requirement is consistent across all agriculturally zoned parcels allowing for disbursement throughout the county.
- 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. The subject property could be utilized for other agricultural purposes or conditional uses within the zone that would not be impacted by the existing traffic noise from Interstate-75 or Georgetown Road, or the spacing requirement.
- c. Approval of the requested variance will allow for an unreasonable circumvention of the requirements of the Zoning Ordinance. The adopted Ordinance established a one-mile spacing requirement in order to control the density or concentration of un-hosted short term rental units in the Agricultural Rural (A-R) zone.

The Staff Recommends: **Disapproval of the conditional use** permit, 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 the applicant has no history of compliance issues; however, based on a review of the ArcGIS concentration mapping data, there are three (3) agriculturally-zoned short term rental units operating within the required one-mile buffer area.
 - c. The applicant states that there are access concerns on the property. If the property were to be used as a short term rental, this would increase the number of drivers on the property and increase access issues as these drivers would not be as familiar with the traffic issues as a long term resident would be. This could increase traffic safety issues accessing the property and for drivers on Georgetown Road.
3. **PLN-BOA-25-00134: MAGANA ALDO HERNANDEZ** – requests a conditional use permit for an un-hosted short term rental in a Planned Neighborhood Residential (R-3) zone, on property located at 2553 Spring Valley Loop. (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 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-25-00143: SYBIL AND BRUNO MONTERO** – requests a variance to reduce the spacing requirements between short-term rentals from one (1) mile (5,280 feet) to 450 feet and a conditional use permit for an un-hosted short term rental in an Agricultural Rural (A-R) zone, on property located at 3512 Rosalie Road. (Council District 12)

The Staff Recommends: **Disapproval of the variance**, 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 a variance. The one-mile spacing requirement is consistent across all agriculturally zoned parcels.
- 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. The dwelling unit could be rented in 30-day increments without a conditional use permit, which will allow the property to be occupied consistent with the applicant and their neighbor's wishes.
- c. Approval of the requested variance will allow for an unreasonable circumvention of the requirements of the Zoning Ordinance. The adopted Ordinance established a one-mile spacing requirement in order to control the density of un-hosted short term rental units in the Agricultural Rural (A-R) zone. The requested variance is a significant reduction in the established spacing requirement since there is another STR only 450 feet away from the subject property.

The Staff Recommends: **Disapproval of the conditional use permit**, 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 the applicant has no history of compliance issues; however, based on a review of the ArcGIS concentration mapping data, there are two (2) existing agriculturally-zoned short term rental units operating within the required one-mile buffer area.

5. **PLN-BOA-25-00145: THE MISSION CHURCH OF LEXINGTON** – requests a conditional use permit to expand an existing place of religious assembly in a Single Family Residential (R-1D) zone, on property located at 3288 Beaver Creek Drive. (Council District 7)

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

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties. The size of the subject property is large enough to support the proposed sanctuary, and the use will be sufficiently landscaped and screened from neighboring residential uses, as well as Man o War Boulevard.
- b. The requested conditional use should not have a negative impact on traffic in the general

- vicinity, as adequate parking will be provided to accommodate the expanded use.
- 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 use shall be operated in accordance with the submitted application materials and site plan, as amended to include the additional sidewalk facilities.
2. The vehicular use area shall be landscaped and screened in accordance with Articles 16 and 18 of the Zoning Ordinance.
3. The vehicular use area shall be designed in accordance with the locational and connection standards outlined in Article 16-6(a) of the Zoning Ordinance.
4. All necessary permits shall be obtained from the Divisions of Planning and Building Inspection prior to construction of the use.

6. **PLN-BOA-25-00148: THETA OF KAPPA ALPHA HOUSING CORPORATION** – requests a conditional use permit for a twelve (12) bed fraternity house and a variance to reduce the required perimeter landscape buffer requirement from fifteen (15) feet to zero (0) feet within the defined Infill and Redevelopment Area in a Medium Density Residential (R-4) zone, on property located at 235 Stone Avenue. (Council District 3)

The Staff Recommends: **Approval of the requested Variance**, for the following reasons:

- a. Granting the variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The applicant is providing the required screening from adjacent properties that they do not own. The variance is to reduce the required perimeter landscape buffer from the abutting property that the applicant owns and will be constructing a parking lot that will serve the use.
- b. The implementation of the required screening would unnecessarily limit the applicant's use of the properties.
- 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.

The Staff Recommends: **Approval of the Conditional Use**, for the following reasons:

- a. The requested conditional use is appropriate in this location as the surrounding area has a mixture of high density residential and commercial uses so the proposed use will be in character with the area. The area currently features other similar fraternity and sorority house uses, and the proposed fraternity was previously located within the immediate vicinity.
- b. All necessary public facilities and services exist and will be adequate to serve the proposed use.

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

1. The proposed use shall be developed and operated in accordance with the submitted application materials and site plan, subject to alterations to the site plan to meet the requirements of the conditions below.
2. All necessary permits and approvals shall be obtained prior to construction and occupancy.
3. The fraternity house shall be limited to a total of 12 beds.
4. The final configuration of the parking areas shall be subject to approval by the Division of Traffic Engineering, and the parking areas shall be paved, with spaces delineated and landscaped/screened in accordance with the requirements of Article 16 and 18 of the Zoning Ordinance.

- IV. **BOARD ITEMS** – The Chair will announce that any items a Board member wishes to present will be heard at this time.

A. ELECTION OF OFFICERS – The Board will elect officers for the 2026 calendar year. The current officers are:

CHAIR – Bob Sturdivant
VICE CHAIR – Branden Gross
SECRETARY – Linda Tucker

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 February 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: 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.