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Mr. Larry Forester, Chairman  
Members of the LFUCG Planning Commission  
200 E. Main Street  
Lexington, KY 40507

September 20, 2024

RE: Proposed Zone Change for 223 E. Seventh Street

Dear Mr. Chairman and Members:

The purpose of this letter is to supplement our previous submission in this matter dated September 2, 2024. It is designed to add a variance request pertaining to Section 18-3 of the Zoning Ordinance, in which perimeter landscaping buffering is required when a business zone adjoins a residential zone. After consulting with Planning Staff, our previous justification letter is hereby supplemented to read as follows:

Our firm represents the Applicant, LOP 1 LTD, in this matter before the Commission in which our client seeks a zone map amendment and approval of a preliminary subdivision plan for a property known and designated as 223 E. Seventh Street. The lot currently contains a vacant residential structure, previously utilized for a commercial use. The property is situated along East Seventh Street between Maple and Lancaster Avenues in what is primarily a residential neighborhood although zoned B-1 (Neighborhood Business).

LOP 1 LTD is requesting a zone change from the current B-1 (Neighborhood Business) to R-3 (Planned Neighborhood Residential). The proposed calls for no new construction but does propose extensive remodeling improvements to the property to make it habitable for either sale or rental housing. The rear of the property is adjoined by 705 Lancaster Avenue, which is zoned R-3. On either side of the property is 221 E. Seventh Street and 227 E. Seventh Street, both of which are zoned B-1.

The Applicant, LOP 1 LTD, also seeks a variance to the perimeter landscaping requirements under Section 18-3 of the zoning ordinance, on both side yards of the subject property, from the required fifteen (15) feet or five (5) feet, with the addition of fencing, to zero (0) feet. By requiring the Applicant to adhere to the perimeter landscaping requirements for the side yards, it would render the Applicant unable to obtain a zone map amendment for the following reasons:

1. The width of the side yard between 227 East Seventh Street and 223 East Seventh is significantly less than the required five feet, let alone 15 feet, with no room to plant any landscaping buffering. There is already a fence on the property line and the remnants of a previous one in place.
2. The width of the side yard between 223 East Seventh Street and 221 East Seventh Street is already set at zero feet due to the driveway that runs between the two properties. This paving takes up the entire side yard between the properties and there is no grass available in which to plant any landscape buffering.

The Planning Commission has the authority to grant this type of variance when being considered in connection with a zone map amendment.

By granting this variance the Planning Commission will enable the Applicant to expand the quantity and quality of much-needed rental housing in this area by bringing a vacant property up to code

In addition to the requested zone map amendment, the Applicant is requesting your approval of the variance for the following reasons:

1. Granting this variance will not adversely affect the public health, safety, or welfare, and will not alter the character of the general vicinity nor cause a hazard or nuisance to the public because the goal of requiring perimeter landscaping in a circumstance like this is to soften the effect of a residential zone being next to a more “intense” business zone. In this case, the adjoining property at 221 East Seventh, although zoned B-1, is actually a residential duplex that is occupied and fully rented as a legal non-conforming use rather than a B-1 use. Further, the Applicant also owns it. The B-1 zone property located next door at 227 E. Seventh Street, is vacant and will more likely transition to a residential use than a B-1 use. Granting of this variance will allow the Applicant to improve the existing lot rather than leave it vacant, and thus add to the neighborhood rather than detract from it. This will allow construction of a house either comparable or an upgrade to others in the neighborhood.
2. Granting of this variance will not allow an unreasonable circumvention of the requirements of the zoning ordinance because it allows for the addition of a single family detached home adding greater density to the neighborhood.
3. The special circumstances which apply to this property, and which do not generally apply to land in the general vicinity or in the same zone, is that the overall width of the subject property and the side yards is so narrow that it does not allow for the requisite perimeter landscape buffering.
4. Strict application of the regulations of the zoning ordinance would deprive the Applicant of a reasonable use of this land and create unnecessary hardship. The Applicant is unable to comply with the requirements of Section 18-3 of the zoning ordinance. The Applicant would be unable to remodel the subject property into a single family detached home consistent in character with those in the neighborhood without this variance and this would be a waste of an opportunity for additional housing in the area.
5. The circumstances surrounding the requested variance are not directly the result of the actions taken by the Applicant.

Thank you for your consideration for this zone change and variance request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Clendenen", with a long horizontal flourish extending to the right.

Christopher M. Clendenen