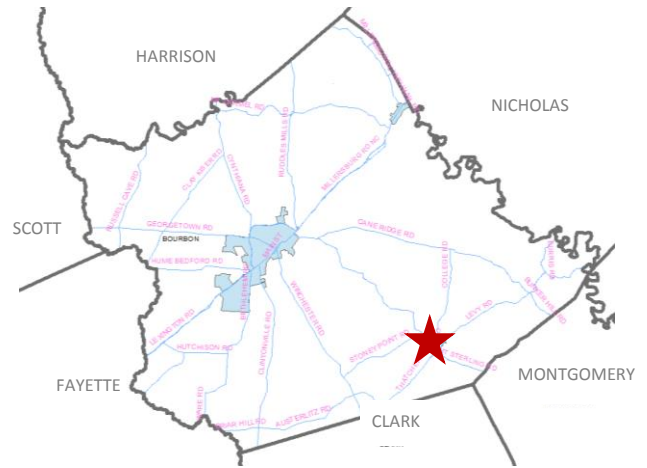


# Staff Report

City of North Middletown Board of Adjustment Meeting  
May 23, 2018

**Case Number:** VAR 18-06  
**Applicant:** Mark and Barbara Rupard  
**Owner of Property?** No  
**Location:** 119 Church St.  
**Request:** 10 ft. front setback variance  
10 ft. rear setback variance  
5 ft. side setback variance  
**Zoning:** Residential (R-1)  
**Application Date:** April 25, 2018  
**Legal Advertisement:** May 10, 2018



## Proposal:

The applicant proposes setback variances (see above) for the construction of a residence at 119 Church St.

## Background:

Owner: Betty Rupard  
Parcel Size: 4,098 sf.  
Existing Structures: None.  
Floodplain (Y/N): NO  
Other characteristics: Property is a lot of record and is landlocked.



*The above image is not current. The structure shown above is no longer located on this property. Aerial imagery shown for descriptive purposes only. Measurements are not approximate and shown to scale.*



**Findings:**

Before a variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the vicinity, will not cause a hazardous nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider:

*Does the requested variance arise from special circumstances?*

Yes, the property is a lot of record. Due to its size, it is difficult for the property owner to meet the setback requirements of the R-1 Residential district.

*Would the strict application deprive the applicant of the reasonable use of land or create unnecessary hardship?*

Yes, the strict application would limit the applicant's ability to construct a residence.

*Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the zoning regulation for which relief is sought?*

No, the circumstances are not the result of any actions taken by the applicant subsequent to the adoption of the zoning regulations.

**Additional Questions:**

**Staff recommend the Board ask the following questions of the applicant:**

- Ask for clarification of the use of the AT&T building and address any potential hazards that might result from locating a residence in a close proximity to this facility.
- Request confirmation that the siting of this residence will not obstruct overhead utilities. If so, ensure that utilities will be relocated.

**Recommendation:**

Staff recommends approval of the front setback variance of 10 feet, rear setback variance of 10 feet, and side setback variance of 5 feet.

Recommended Conditions:

- Applicant obtain building permit from the Bourbon County Joint Planning Office.