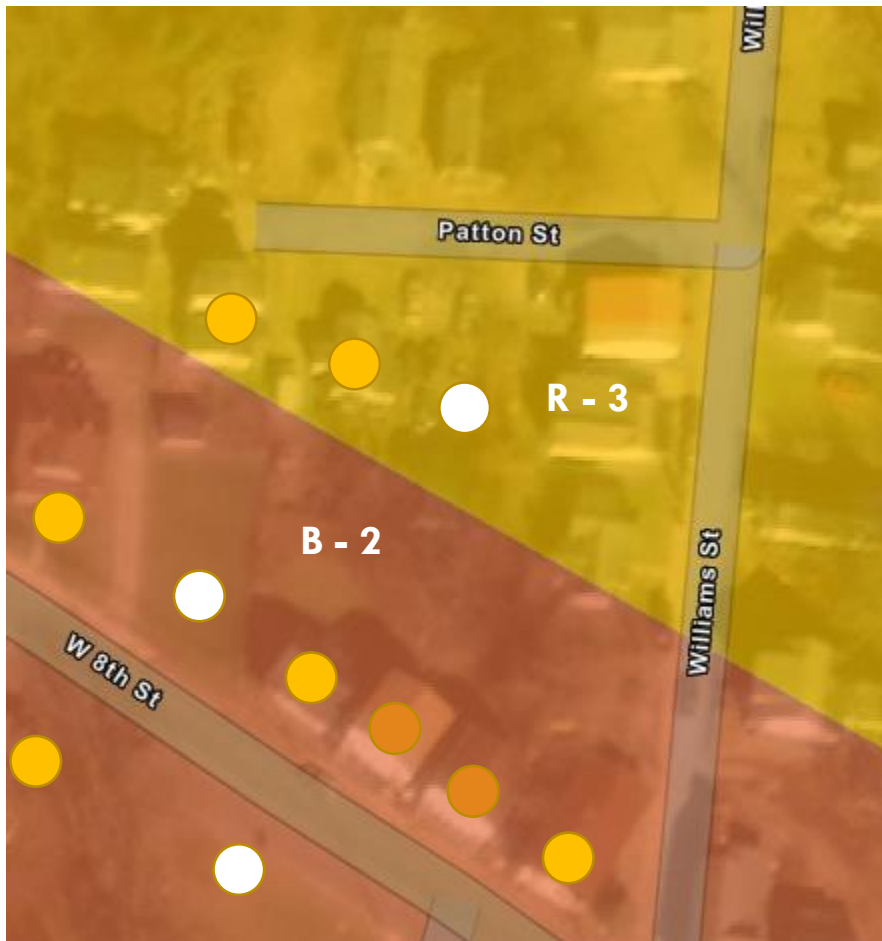





Staff Report

Bourbon County Joint Board of Adjustment Meeting
September 20, 2022

Case Number: VAR 22-05 & CUP 22-04
Applicant: Jose Kemper
Owner of Property? Yes
Location: 516 W 8th Street
Request: Setback variance requests and conditional use request for construction of new single family dwelling.
Zoning: B-2 Commercial
Application Date: July 26, 2022
Site Visit: September 8, 2022
Legal Advertisement: September 8, 2022
Signage Posted: September 12, 2022



The figure to the left shows the existing zoning designations and existing land uses of the subject property and surrounding properties.

-  Residential – Duplex
-  Residential – Single-family
-  Vacant

Zoning Area Map

Source: [Bourbon County Joint Planning Interactive Zoning Map](#)

Proposal:

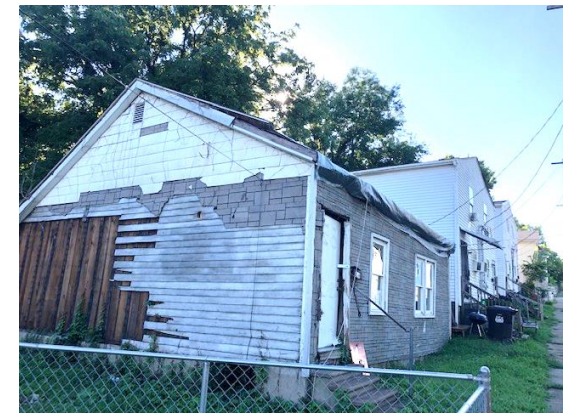
The applicant submits an application for setback variance requests and a conditional use request on a lot of record to replace a condemned single-family residence with a new single family structure. The existing lot size is 4,792 sq ft.

Background:

Existing Structures: YES, however plans to demolish.

Floodplain (Y/N): NO

	Minimum Setback Requirement (in feet)	Existing Setback (in feet)	Proposed Setback (in feet)	Variance Request (in feet)
Front	50	7	15	35
Side (west)	25	10	5.77	20
Side (east)	25	3	10	15
Rear	50	42	26.62	24



Conditional Use Finding:

The Board shall have the power to hear and decide applications for conditional use permits in accordance with KRS 100.237, as amended. The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations as permissible only in specific locations in the district or only if certain conditions are met.

According to 100.237, the board may attach necessary conditions such as time limitation, requirements the one (1) or more things be done before the request can be initiated, or conditions of a continuing nature. The granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.

Conditional Use Recommendation:

Staff recommends approval of CUP 22-04 a conditional use to grant a permit for the existing single family dwelling on a lot that was originally designed for a single-family dwelling.

This recommendation of approval is with the finding that the conditional use is in character with the surrounding area and would not cause a hazardous nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

As part of the conditional use, staff recommends the Board set a time limitation of one year to remove the condemnation designation for the property.

Variance 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, this lot-of-record (4,792 sf) is the location of an existing dilapidated residence. Based on the current zoning designation, the owner would be unable to meet the setback requirements of the B-2 zoning district.

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

Yes, the strict application would be out of pattern with the existing neighborhood.

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.

Variance Recommendation:

Staff recommends approval VAR 22-05 a variance request to replace an existing residence:

35 ft front setback variance
20 ft (west) side setback variance
15 ft (east) side setback variance
24 FT rear setback variance

This recommendation of approval is with the finding that the variance request is in character with the surrounding area and would not cause a hazardous nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.