

Staff Report

Bourbon County Joint Board of Adjustment Meeting
February 21, 2023

Case Number: VAR 23-02
Applicant: David Andrew Romero
Owner of Property? Yes
Location: 1201 Pleasant Street
Request: 3 ft rear setback variance for detached garage
Zoning: R-3 Residential
Application Date: January 26, 2023
Legal Advertisement: February 9, 2023
Staff Site Visit: February 10, 2022



Proposal:

The applicant proposes a 3 ft rear setback variance to construct a detached garage.

Background:

Parcel Size: ~4,300 s.f.
Existing Structure: Single Family Residence
Floodplain (Y/N): NO

Proposed setback for detached garage:

Rear Setback Request: 0 feet

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 existing corner lot of 4,300 sf is a lot of record. Previously, there was a garage located on an existing foundation. The applicant is proposing to construct on the same foundation.

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

No, the fact that there is an existing foundation located at/on the property boundary does not hinder the applicant from shifting the garage footprint to be within the minimum building setbacks. There is room to shift the garage three feet closer to the existing house while meeting the zoning ordinance.

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

Yes, the applicant began to construct a new garage on the existing foundation without a building permit and without a property survey. Given the size of this lot of record and surrounding properties and lack of a record survey plat, the true property boundary is unknown.



Recommendation:

Based on the lack of information about property boundaries, staff cannot make a recommendation at this point in time.

If the Board were to consider approving this variance request, staff recommends encouraging the applicant to obtain a record survey plat of the property to ensure that the proposed building is in fact being constructed on the subject property.



View of partially constructed garage. Rear property boundary is located near picket fenceline. Exact property boundary is unknown as property has not been surveyed in recent years. Pins/boundary markers were absent at time of site visit.



View of partially constructed garage. The primary structure on subject property is located to the left.