

Staff Report

Bourbon County Joint Board of Adjustment Meeting
June 20, 2023

Case Number: VAR 23-06
Applicant: Richard Rosado
Owner of Property? Yes
Location: 249 Kentucky Ave.
Request: 19 ft. front setback variance request
Zoning: R-3 Residential
Application Date: May 26, 2023



Proposal:

The applicant proposes a 19 foot front setback variance to construct a front porch on an existing single-family home.

Background:

Owner: Crispin Corro Rentals LLC
Existing Structures: YES
Floodplain (Y/N): NO

Required in the R-3 District:

Front: 30 ft.
Side: 10 ft.
Rear: 25 ft.

Proposed setbacks:

Front: 11 ft. setback (19 ft. variance requested)
Side: No Change
Rear: No Change



Shown above: Existing approximate front building setbacks on adjacent properties.

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 is considered a lot of record. The size of the lot is less than the minimum lot size that the zoning ordinance allows for the R-3 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. Due to non-conforming nature of the lot, the setback requirements would create a hardship.

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.

Recommendation:

Staff recommends approval of the 19 ft. front setback variance for the addition of a front porch at 249 Kentucky Ave. The surrounding homes on that same block are set back similar distance to what is being requested. This variance arises from special circumstances, the strict application of which would deprive the applicant of a reasonable use of land. The granting of this variance would not adversely affect the public health, safety or welfare, and will not cause a hazardous nuisance to the public.