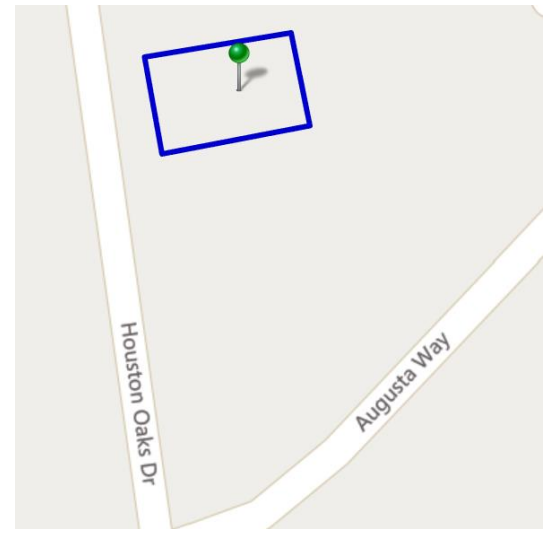


Staff Report

Bourbon County Joint Board of Adjustment Meeting
July 18, 2023

Case Number: VAR 23-09
Applicant: Joel Shaw
Owner of Property? Yes
Location: 550 Houston Oaks Dr.
Request: 3 ft. rear setback variance request
Zoning: R-4 Residential
Application Date: June 22, 2023



Proposal:

The applicant proposes a three (3) foot front setback variance to extend an existing deck.

Background:

Owner: Joel Shaw
Existing Structures: YES, existing townhome
Floodplain (Y/N): NO

Required minimum setback in the R-4 District:

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

Proposed setbacks:

Front: No change
Side: No change
Rear: 22 ft.



Shown above: Existing approximate rear deck/patio footprints 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, the property owner seeks to extend their deck four additional feet to expand outdoor living space. The deck extension would be in alignment with adjacent properties.

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, depriving the owner of similar use of their land.

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 3 ft. rear setback variance for the extension of a deck at 550 Houston Oaks Dr. The surrounding adjacent 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.