

# Staff Report

Bourbon County Joint Board of Adjustment Meeting  
July 18, 2023

**Case Number:** VAR 23-10  
**Applicant:** Steve Florence  
**Owner of Property?** Yes  
**Location:** 1983 Thatchers Mill Rd, North Middletown  
**Request:** 15 ft. side setback variance request  
**Zoning:** R-1 Residential  
**Application Date:** June 27, 2023



## Proposal:

The applicant proposes a fifteen (15) foot side setback variance to replace an existing barn.

## Background:

Owner: Steve Florence  
Existing Structures: YES, residential structure.  
Floodplain (Y/N): NO

## Required minimum setback in the R-4 District:

Front: 25 ft.  
Side: 15 ft.  
Rear: 25 ft.

## Proposed setbacks:

Front: No change  
Side: 0 ft setback  
Rear: No change



## 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 replace the original barn structure on his property. Original structure was located over the property line. New barn is proposed to be on applicant's property.

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

Yes, the strict application would deprive the applicant of properly storing his recreational vehicle and limit access to his driveway.

*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 circumstances are the result of any actions taken by the applicant subsequent to the adoption of the zoning regulations. Applicant had begun construction of a new barn and received a stop work order.

## Recommendation:

Staff recommends approval of the 15 ft. side setback variance for the replacement of an existing barn. The new barn will be more conforming than the previous barn location, in that it will no longer be located on the neighboring property. Also, the proposed setback is in character with the adjacent property and surrounding neighborhood. 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.