

# Staff Report

Bourbon County Joint Board of Adjustment Meeting  
August 15, 2023

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**Case Number:** VAR 23-03  
**Applicant:** Fernando Huerta  
**Owner of Property?** Yes  
**Location:** Lot 28 Fields Street (026-40-05-003.00)  
**Request:** 4 ft side setback request  
**Zoning:** R-3 Residential  
**Application Date:** July 26, 2023  
**Legal Advertisement:** August 1, 2023  
**Staff Site Visit:** August 10, 2023

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## Proposal:

The applicant proposes the following setback variances to construct a single-family dwelling:

4 ft side setback variances on both sides

## Background:

Parcel Size: ~2,400 s.f.  
Existing Structure: None  
Floodplain (Y/N): NO

The existing rear setbacks of adjoining properties range from ~13 ft – 20 ft. The existing range of side setbacks are less than ~5 ft – 42 ft for surrounding adjacent parcels.

Applicant applied for a 5 ft variance in March and was granted it. After discussion with staff for a building permit, applicant needs a 4 ft variance instead.

## 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 lot of 2,400 sf is a lot of record. The applicant is proposing to construct a new single-family dwelling on this lot.

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

Yes, the strict application would deny the applicant one extra foot of overhang for the structure (the footprint will stay the same). This board already approved a 5 ft variance for this project.

*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.



## Recommendation:

**Staff recommends approval of the request for the following setback variances as the proposed setbacks are in character with the existing setbacks of the neighborhood.**

- **4 ft side setback variance on both sides of property.**