

What is a setback?

A setback is the required distance between each structure and the property lines of the lot on which it is located, measured perpendicular to the building (at the eave overhang) and related front, side, or rear property line, exclusive of uncovered first floor porch, steps, and HVAC equipment and in which no building may be located. It is recommended that HVAC equipment be located a minimum of thirty (30) inches from the property line).

The illustration below shows the setbacks for a typical lot and corner lot.



Boards of Adjustment (BOAs) Meeting Dates, Times, & Locations

Bardstown Board of Adjustment

1st Tuesday of each month

5:00 p.m.

Fiscal Court Room, 2nd Floor

Old Courthouse Building

One Court Square

Bloomfield Board of Adjustment

Meeting called by Chairperson

Bloomfield City Hall

Fairfield Board of Adjustment

Meeting called by Chairperson

Fairfield City Hall

Nelson County Board of Adjustment

2nd Thursday of each month

10:00 a.m.

Fiscal Court Room, 2nd Floor

Old Courthouse Building

One Court Square

New Haven Board of Adjustment

Meeting called by Chairperson

New Haven City Hall

Variance

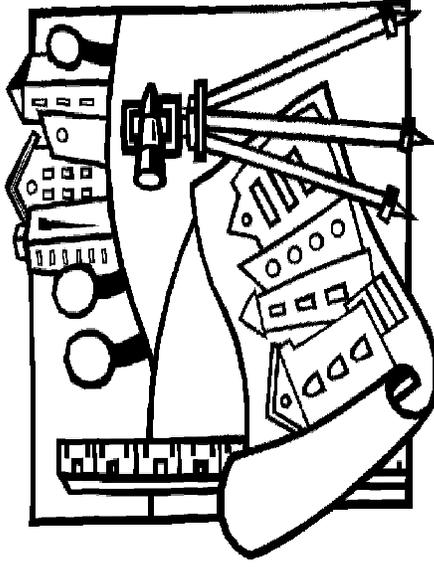
Bardstown Board of Adjustment

Bloomfield Board of Adjustment

Fairfield Board of Adjustment

Nelson County Board of Adjustment

New Haven Board of Adjustment



For more information, please contact:

Joint City-County Planning Commission
of Nelson County

P.O. Box 402

Bardstown, Kentucky 40004

Telephone: (502) 348-4348

Fax: (502) 348-1818

Email: ncpz@bardstowncable.net

What is a variance?

Kentucky Revised Statute 100.111(24) defines a variance as "... a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces..."

A variance applies to the property for which it is granted and not to the applicant. A variance runs with the land and is transferable to any future owner of the land. It cannot be transferred by the applicant to a different site.

Examples:

- (1) The owner's house was constructed before 1974. The owner wants to add a front porch but his house is located too close to the front setback line. The owner may apply for a variance to construct the porch.
- (2) The owner's house was built before 1974. The owner wants to add an attached garage on the side of the house. However, his house is too close to the side setback line. The owner may apply for a variance to construct the garage.
- (3) The owner's house was built before 1974. The house burns and would cost more than seventy (70) percent of its replacement value to restore. The owner wants to rebuild on the same building footprint but the original house encroached into the front setback. The owner may apply for a variance to rebuild the house on the same footprint.

Who grants variances?

The Board of Adjustment (BOA) has the power to hear and decide on variance applications. The BOA may impose conditions or restrictions on any variance it grants.

Before the BOA grants a variance, it must find all of the following:

- (1) That the requested variance arises from special circumstances that do not generally apply to land in the general vicinity, or in the same zoning district;
- (2) That the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant;
- (3) That such a special circumstance is not the result of actions of the applicant taken after the adoption of the zoning regulation; and,
- (4) That reasons that the variance will not adversely affect the public health, safety, and welfare and will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.

If approved, the above findings are recorded, in addition to any imposed conditions or restrictions, in the BOA's minutes and records and issued in written form to the applicant to constitute proof of variance.

The BOA does not possess the power to grant a variance to permit a use of any land, building, or structure that is not permitted by the Zoning Regulations in the zoning district in question or to alter density requirements in the zoning district in question.

What are the steps for obtaining a variance?

Step #1: Pre-Application Conference
The applicant meets with BOA staff to discuss the variance request and procedures and obtain a variance application.

Step #2: Application Submission

The applicant completes and submits the application with the following documentation:

- (1) Plot plan;
- (2) PVA map and names and mailing addresses of adjoining property owners;
- (3) Copy of deed; and,
- (4) Application and certificate of land use restriction recordation fees as set by the Planning Commission.

Step #4: Staff Review

The BOA staff reviews the application and accompanying documents, advertises the variance request in the local newspaper, notifies all adjoining property owners, photographs the property, prepares a staff report, and prepares packets for all BOA members.

Step #5: Public Hearing

The applicant and/or his attorney attend the public hearing. The Bardstow BOA meets the 1st Tuesday and the Nelson County BOA meets the 2nd Thursday of each month at the Old Courthouse Building. Bloomfield, Fairfield, and New Haven BOAs meet at the call of the chairman at their respective City Halls.

Step #6: Approval/Disapproval

If approved, the staff records the certificate of land use restriction in the Nelson County Clerk's office. If disapproved, the applicant may appeal the BOA's decision in Nelson Circuit Court within thirty (30) days of the public hearing date.