

# Variance Application

**Joint City-County Planning Commission of Nelson County**  
**Old Courthouse Bldg., 2<sup>nd</sup> Floor, One Court Square**  
**P.O. Box 402**  
**Bardstown, Kentucky 40004**  
**Telephone: (502) 348-1805      Fax: (502) 348-1818**  
**Email: ncpz@bardstowncable.net**

**For Office Use Only:**

Application #: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Filing/CLUR Fees: \$ \_\_\_\_\_  
 Agenda #: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_

**Please type or print (blue or black ink)**

Application Date: \_\_\_\_\_

Instructions	Applicant Information
<p>Applicant must be <u>all</u> owner(s) of the property. Spouse and/or any other parties with legal or equitable interest must join in this application. Use additional sheets, if necessary.</p> <p>If Applicant/Owner is different than the Developer, provide the Developer's name, address, telephone, and email address.</p> <p>If an attorney represents the applicant, please provide the attorney's name, address, telephone, and email address.</p>	<div style="text-align: right;"><input type="checkbox"/> <i>Additional pages attached.</i></div> <p>Applicant/Owner Name: _____</p> <p>Mailing Address: _____</p> <p>City: _____ State: _____ Zip Code: _____</p> <p>Telephone: _____ Email: _____</p> <hr/> <p>Co-Owner/Developer Name: _____</p> <p>Mailing Address: _____</p> <p>City: _____ State: _____ Zip Code: _____</p> <p>Telephone: _____ Email: _____</p> <hr/> <p>Applicant's Attorney: _____</p> <p>Firm Name: _____</p> <p>Mailing Address: _____</p> <p>City: _____ State: _____ Zip Code: _____</p> <p>Telephone: _____ Email: _____</p>

Instructions	Property Information
<p>If an actual street address is unavailable, identify the property's location along the roadway and distance to intersecting public roadways on each side of the property.</p> <p>Check appropriate jurisdiction where the property is located.</p> <p>Describe the property's current zoning classification and how the property is presently used.</p>	<p>Street Address: _____</p> <p>Lot #/Subdivision Name (if applicable): _____</p> <p>Property Location &amp; Intersecting Streets:</p> <p style="margin-left: 40px;">The subject property is located on the <input type="checkbox"/> north <input type="checkbox"/> east <input type="checkbox"/> south <input type="checkbox"/> west side of _____ and approximately _____ <input type="checkbox"/> feet <input type="checkbox"/> miles</p> <p style="margin-left: 40px;"><input type="checkbox"/> north <input type="checkbox"/> east <input type="checkbox"/> south <input type="checkbox"/> west of _____ and approximately _____ <input type="checkbox"/> feet <input type="checkbox"/> miles <input type="checkbox"/> north <input type="checkbox"/> east <input type="checkbox"/> south <input type="checkbox"/> west of _____</p> <hr/> <p>Jurisdiction:    <input type="checkbox"/> Bardstown      <input type="checkbox"/> Bloomfield      <input type="checkbox"/> Fairfield      <input type="checkbox"/> New Haven  <input type="checkbox"/> Unincorporated Nelson County</p> <p>Size: _____      Deed Book/Page #: _____      PVA #: _____</p> <p>Existing Zoning: _____</p> <p>Existing Use: _____</p>

Instructions	Variance Description
<p>Describe the requested variance. Specify the use and type of structure (accessory or principal), if applicable. Use additional sheets, if necessary.</p> <p>Check the type of variance requested.</p> <p>Specify Zoning Regulation provision from which variance is sought.</p> <p>Specify dimension required by the Zoning Regulations and the proposed dimension.</p> <p>If yes, attach copy of the refusal or decision.</p> <p>If yes, specify action type (zone change, conditional use permit, variance, or appeal), application number, and date.</p>	<p>Provide a <i>detailed</i> description of the requested variance. Use additional sheets, if necessary.</p> <p>Type of variance requested:</p> <p> <input type="checkbox"/> Front yard setback         <input type="checkbox"/> Side yard setback (right)  <input type="checkbox"/> Secondary front yard setback (<i>corner lots only</i>)         <input type="checkbox"/> Structure height  <input type="checkbox"/> Rear yard setback         <input type="checkbox"/> Lot coverage  <input type="checkbox"/> Side yard setback (left)         <input type="checkbox"/> Other Specify: _____       </p> <p>Zoning Regulation provision from which variance is requested: Section _____</p> <p>Required dimension: _____ Proposed dimension: _____</p> <p>Is this variance application based on a refusal or decision by the Administrative Official? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Has this property been subject of previous action by the Board of Adjustment or Joint City-County Planning Commission? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Action Type: _____ Application #: _____ Date: _____</p>

Instructions	Variance Justification
<p>Before any variance is granted, the Board of Adjustment must find that the variance <b><i>will not</i></b> (KRS 100.243):</p> <p>(1) Adversely affect the public health, safety, or welfare;</p> <p>(2) Alter the essential character of the general vicinity;</p> <p>(3) Cause a hazard or nuisance to the public; and,</p> <p>(4) Allow an unreasonable circumvention of the requirements of the Zoning Regulations.</p>	<p>Provide written justification for the variance (use additional pages if necessary):</p> <p><input type="checkbox"/> <i>Additional pages attached.</i></p> <p>1. Describe the reasons that the requested variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the Zoning Regulations.</p>

Instructions	Variance Justification (continued)
<p>In making these findings, the Board of Adjustment shall consider whether:</p> <p>(1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;</p> <p>(2) The strict application of the regulation would deprive the applicant of the reasonable use of the land use of the land or would create an unnecessary hardship on the applicant; and,</p> <p>(3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.</p> <p>The Board of Adjustment shall deny any request for a variance arising from circumstances that are the result of willful violations of the Zoning Regulations by the Applicant subsequent to the adoption of the Zoning Regulation from which relief is sought.</p>	<p>2. Identify the circumstances that are special to this property which do not generally apply to the land in the general vicinity or in the same zoning classification.</p> <p>3. Describe how the strict application of the regulation would deprive you the reasonable use of the property or create an unnecessary hardship.</p> <p>4. Specify actions that have been taken subsequent to the adoption of the Zoning Regulations that cause the circumstances for which the variance is sought.</p>

### Required Supporting Documentation

The following supporting documentation and fees must be submitted with the completed and signed application:

- 1. Two (2) copies of a site plan (no larger than 11" x 17") showing the following: size, depth, and width of subject property; roadway(s) the subject property fronts; percentage of lot coverage; location of ingress/egress; location, dimensions, height, setbacks, and uses of all existing structures; and, location, dimensions, height, setbacks, and uses of proposed structures.
- 2. Parcel map and complete listing of names and mailing addresses for all adjacent property owners, including owners on other side of adjoining road, street, or railroad. Parcel map and adjacent property information must be obtained from the PVA office, Sutherland Building 113 East Stephen Foster Avenue.
- 3. Disclosure of ownership interest in the subject property (deed or purchase agreement).
- 4. Variance Filing Fee, nonrefundable, payable to Planning Commission (see Fee Schedule).
- 5. Certificate of Land Use Restriction Fee, payable to Planning Commission (see Fee Schedule).
- 6. Any additional documentation or information requested by the staff and/or Board of Adjustment.

### Applicant/Owner Certification

**Please read carefully, initial, and sign below.** I do hereby certify that the information provided herein is both complete and accurate to the best of my knowledge, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I further certify that I am the owner of the property for which the variance application is filed or that I have the authority to file this application based on properly executed documents with the owner of this property. I further hereby certify that as owner of the property proposed for the variance, I am aware of the site/development plan submitted as part of the application and aware of the variance hearing process under the Zoning Regulations and KRS Chapter 100. I further hereby certify that I agree that the filing of this application constitutes an agreement with all owners and other parties having an interest in the subject property, their heirs, successors, and assigns, to comply with the conditions imposed by the Planning Commission and Zoning and Subdivision Regulations. (\_\_\_\_initial)

I further acknowledge that my compliance with the terms of the variance is subject to periodic inspection and I grant to the Joint City-County Planning Commission or its agents the right to enter upon the property to which the variance pertains at reasonable times to perform one or more inspections of the property to assure compliance. (\_\_\_\_ Initial)

*These signatures constitute all owners of the subject property necessary to convey fee title, their attorney, or their legally constituted attorney-in-fact. If the signature is of an attorney, then such signature is certification that the attorney represents each and every owner of the affected property.*

Additional pages attached.

Signatures of Applicant & Owners:

Title:

Date:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### For Office Use Only

Date Application Received: \_\_\_\_\_ Received by: \_\_\_\_\_

Filing Fee Paid: \$\_\_\_\_\_  Check #\_\_\_\_\_  Cash  Other (specify): \_\_\_\_\_

Notice to Newspaper (Date): \_\_\_\_\_ Adjacent Mailings (Date): \_\_\_\_\_

Public Hearing (Date): \_\_\_\_\_ BOA Meeting (Date): \_\_\_\_\_

BOA Decision: \_\_\_\_\_