

6.8 VARIANCE - The Board of Adjustments may grant dimensional variances in accordance with the following requirements:

6.81 Conditions which warrant a variance - The Board shall have the power to hear and decide on applications for dimensional variance on a lot of record. A variance can be

granted where because of unusual shape, smallness of size or other extraordinary physical conditions, the property owner is deprived of a reasonable capacity to use the land in a manner equivalent to the use permitted other landowners in the same zone. The conditions which warrant a variance must have existed at the time this regulation was adopted.

6.82 Variance for Multi-Building Development - A variance from this ordinance may be granted for multi-building development if it is shown that the land in question cannot be subdivided and that more open space is created, and a lower density can be established and traffic problems are lessened, and a better relationship between the land and the building is created by not subdividing the land. However, in no case shall the Board of Adjustments grant a variance which does not comply with the Zoning Regulations, where applicable or which destroys the character of the neighborhood.

However, any future subdivision of a multi-dwelling development requires that all lots and buildings meet the requirements of the Subdivision Regulation at the time of such subdivision.

6.83 Variances which are Prohibited - The Board of Adjustments shall not possess the power to grant a variance to permit a use or alteration or extension of any land, building, or structure which is not permitted in the zone in question; to alter density requirements in the zone in question; or to permit a use not authorized by this Regulation.

6.84 Granting a Variance - Before any variance is granted, the Board must find all of the following facts which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance:

6.841 - The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.

6.842 - The manner in which the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.

6.843 - That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Zoning Regulation.

6.844 - Reasons that the variance will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood.

6.85 Addition to Powers - In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this Regulation.

6.86 Procedure for Appeals to the Board -

6.681 Who May Appeal - Any appeal to the Board of Zoning Adjustment may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Administrative Officer based in whole or in part upon the provisions of this regulation.

6.862 Time Limitation - Such an appeal shall be made by filing with the Board of Zoning Adjustment, a notice of appeal, specifying the grounds thereof. Said notice of appeal shall be filed within thirty (30) days from the date upon which the notice of refusal of building permit or certificate of occupancy is mailed by the Administrative Officer and failure to file notice of appeal within thirty (30) days shall constitute a waiver of the right to appeal.

6.863 Establishing Meeting Date - The Board of Adjustments shall set a date not more than thirty (30) days after receiving the above records for hearing of the appeal.

6.864 Notice - Public notice shall be given in accordance with Kentucky Revised Statutes Chapter 424 and all interested parties shall be notified of the pending hearing. The appellant will be given written notice at least one week prior to the hearing.

An appropriate sign will be posted on the property for which the variance is requested at least ten (10) days before the public hearing. The sign will describe the variance requested and the meeting date, time and place. The Secretary of the Board of Adjustments or a person appointed by the Board, shall post the sign.

6.865 Evidence of Hardship - The applicant must present evidence that the property will not yield a reasonable return if used in compliance with the Regulation; that the conditions causing the hardship are unique and not

shared by neighboring property in the same zone; that the granting of the variance will not conflict with the Zoning Regulations. The Board shall use this evidence,

and any other evidence presented in accordance with Kentucky Revised Statutes, Chapter 100, in granting a variance in accordance with Section 6 of this Regulation.

6.866 Notice of Decision - The Board of Adjustments shall decide the appeal within sixty (60) days and give written notice to the Administrative Officer and appeal 6.87 Ap applies to the property for which it is granted and may be transferred with the land. It may not be transferred to