Review No.	

## SUBDIVISION REGULATIONS SETBACK ENCROACHMENT VARIANCE APPLICATION

Joint City-County Planning Commission of Barren County, Kentucky 126 East Public Square – City Hall Glasgow, KY 42141 (270) 659-0661

The following Items are to be submitted along with this application:

- Appropriate copies of the Plat(s) and/or Development Plan(s) showing proposed request.
- One (1) copy of the deed(s) of the property.
- Appropriate application fee, see Part II and a Barren County Clerks Fee of \$50.

## **PART I**: (to be completed by applicant)

1.	Owner(s)			
	Address			
	City	State / Zip	Phone	
2.	Applicant Information (if different from owner)			
	Address			
	City	State / Zip	Phone	
3.		Staff at least fifteen (19	I development items to the consecutive days prior to nday of each month).	
	Submittal Date			
4.	Development Information			
	Name of Subdivision or De	velopment		
	Location of Subdivision or	Development		
	Lot Number(s)			
	Deed Book	Page Number	<del></del>	
	Plat Book	Page Number	<del></del>	
	Acreage Under Review	Total A	creage	

#### PART II - Type of Setback Encroachment Variance Request: (to be completed by Applicant)

# □ Encroachment of structure constructed prior to August 15<sup>th</sup>, 1990

This classification shall apply to the following:

- A. The setback encroachment occurred prior to August 15<sup>th</sup>, 1990; and
- B. The Applicant or its predecessor in title acted In good faith at the time the encroachment was constructed; and
- C. At the time the encroachment was constructed, there was no present or future intention to subdivide the subject property; and
- D. The Applicant presently desires to convey or subdivide the subject property and the encroachment violates the applicable setback requirements.
- The Commission's Administrative Officer will review and approve, disapprove, or refer the application request to the Planning Commission.
- The Applicant shall submit to the Commission's Administrative Officer the application and one (1) paper copy of the Plat and one (1) digital (PDF or CAD) file showing the proposed request.
- An application fee of \$25.00 plus \$35.00 for advertising, payable to the Joint City-County Planning Commission is required and of which no part is refundable to the Applicant.

## ☐ Encroachment of structure constructed after August 15<sup>th</sup>, 1990 and before July 1<sup>st</sup>, 2001

This classification shall apply to the following:

- A. The setback encroachment occurred after August 15<sup>th</sup>, 1990; and
- B. The Applicant or its predecessor in title acted In good faith at the time the encroachment was constructed; and
- C. At the time the encroachment was constructed, there was no present or future intention to subdivide the subject property; and
- D. The Applicant presently desires to convey or subdivide the subject property and the encroachment violates the applicable setback requirements.
- The Planning Commission will review and approve or disapprove the application request.
- The Applicant shall submit the application and all development items to the Commission's Administrative Officer at least fifteen (15) consecutive days prior to the next regular meeting of the Planning Commission, (i.e., third Monday of each month).
- The Applicant shall submit to the Commission's Administrative Officer the application and one (1) paper copy of the Plat and one (1) digital (PDF or CAD) file showing the proposed request.
- An application fee of \$150.00 plus \$35.00 for advertising, payable to the Joint City-County Planning Commission is required and of which no part is refundable to the Applicant.

#### □ Encroachment of structure constructed after July 1<sup>st</sup>, 2001

This classification shall apply to the following:

- A. Due diligence was exercised by the Applicant or its predecessor in title to comply with the applicable setback requirement; and
- B. A good faith error was made with regard to the location of the subject structure or the applicable setback requirement.

- The Planning Commission will review and approve or disapprove the application request.
- The Applicant shall submit the application and all development items to the Commission's Administrative Officer at least fifteen (15) consecutive days prior to the next regular meeting of the Planning Commission, (i.e., third Monday of each month).
- The Applicant shall submit to the Commission's Administrative Officer the application and one (1) paper copy of the Plat and one (1) digital (PDF or CAD) file showing the proposed request.
- An application fee of \$250.00 plus \$35.00 for advertising, payable to the Joint City-County Planning Commission is required and of which no part is refundable to the Applicant.

## PART III - Applicant basis for variance request: (to be completed by Applicant)

**Findings Necessary for Granting Variance Request:** Describe the impact the proposed variance(s) will have on the neighborhood or general area and state the reason(s) in support of this request. The explanation should address:

- 1. The special circumstances of the proposed request;
- 2. Whether the variance would serve the purpose of enhancing the public welfare, and;
- 3. Site constraints that made or would make installation of improvement(s) unfeasible.

The Planning Commission may also consider other factors it may deem relevant in rendering its decision. In granting a variance the Planning Commission may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so varied or modified.

**Setback Encroachments:** If a variance is being requested for a setback encroachment, the Applicant should set forth the facts verifying that due diligence was exercised to determine the applicable setback requirements and to locate the structure in compliance with applicable setback requirements.

The Planning Commission may require that no additions or alterations be made to an existing structure that would further encroach into the setback requirements and that if the structure is replaced, moved, or destroyed, any new structure must comply with all applicable setback requirements.

Explanation of Request:	(Use Additional Sheets, if neces	ssary)	
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# **PART IV – Applicant and Owner Signature**:

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

A variance of any requirement does not exempt the development from any other requirements of the Subdivision Regulations or any local Zoning Ordinance.

Applicant(s) Signature	Date	Property Owner(s) Signature	Date
Applicant(s) Signature	Date	Property Owner(s) Signature	Date

		OFFICE USE ONLY	
PA	RT V: (to be completed by the cor	mmission staff)	
1.	Date Application Received	Fee Received	Check Number
2.	Action Taken:		
3.	Conditions of Approval:		
4.	Notes:		