

Hopkinsville • Christian Co.



*Knowledgeable Service Through
Information, Experience,*

Dimensional Variance

Questions?

Questions or inquiries concerning a dimensional variance can be directed to the HCCPC's Planning Department by calling (270) 887-4285 or by fax at (270) 887-4019.

101 North Main Street
Post Office Box 1125
Hopkinsville, KY 42241-1125

Phone: 270-887-4285

Fax: 270-887-4019

Visioning Tomorrow's Success Today

What is a Dimensional Variance?

A Dimensional Variance is a deviation from the dimensional requirements of the Zoning Ordinance pertaining to height, width, or location of structures and setbacks. If circumstances arise one of the aforementioned requirements of the Zoning Ordinance cannot be met, then a Dimensional Variance may be an option.

The Hopkinsville Zoning Ordinance sets specific requirements that a developer/builder must follow with regards to setback distances, height maximums, and parking requirements. The Board of Zoning Adjustment reviews requests for variance in the City of Hopkinsville, as well as the City of Pembroke. Kentucky Revised Statutes 100.243 states that variances of Zoning Ordinance requirements may be granted by the Board of Adjustment provided that:

- (1) 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 general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.
- (2) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
- (3) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
- (4) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

How are Dimensional Variances Reviewed?

1. Informal Meeting (Optional, but encouraged): Meet with a staff member of the HCCPC in order to determine if a variance would be required.

2. Dimensional Variance Application: The application must include the following items:

- a. Name, address, and phone number of applicant(s)
- b. Legal authorized signature of the property owner
- c. Legal description of property
- d. A description of the nature of the variance request
- e. A narrative statement demonstrating that the requested variance conforms to the following standards:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 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.

4. The granting of the 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Applications are available at the office of the HCCPC. All applications must be filed 30 days prior to the next meeting of the Board of Zoning Adjustment.

3. Notification to Adjoining Property Owners and Notice to Media: Pursuant to KRS 424 and KRS 100.221 notification of the public hearing to be held is sent via certified mail to all adjoining property owners. In addition, pursuant to KRS 424, notice of the public hearing is published in the local newspaper.

4. Department Head Comments: Memorandums are sent out to Police Department, Fire Department, Public Works, KDOT, City Clerk, E911, Soil Conservation, Electric Company, Water Company, and Phone Company associated with the property. Each department head reviews your request within their area of expertise and returns comments to this office. These comments are incorporated into the Staff Report.

5. Staff Review: The staff will examine your application, along with any additional information provided. The staff will then determine if a Dimensional Variance would be needed. A staff report will be prepared, including staff recommendations, and mailed to you seven (7) days prior to the Meeting of the Board of Zoning Adjustment.

6. Public Hearing: The Board of Zoning Adjustment will hold a Public Hearing. The staff will present their report to the Board. During the public hearing, members of the public have an opportunity to submit information (evidence) in support of or in opposition to your request.

7. Board of Zoning Adjustment Meeting: The Board of Zoning Adjustment meeting is typically held following the public hearing. The Board will consider the Dimensional Variance based on the information heard during the Public Hearing and information submitted by you as part of the application. The Board will approve, approve with supplementary conditions, or disapprove the request.

8. After the Meeting: The applicant will be notified of the Board's decision by mail. Should the request be granted, a Dimensional Variance Permit will be issued to the applicant, along with a Certificate of Land Use Restriction stating the conditions of the approval of the Variance. This Certificate of Land Use Restriction (CLUR) must then be filed at the Christian County Clerk's Office.

The process of obtaining a Dimensional Variance is usually about 30-45 days.