

DEVELOPMENT GUIDANCE SYSTEM

5-4 VARIANCES AND CONDITIONAL USE PERMITS – IN THE COMPANY OF MAP AMENDMENTS

The Applicant for the Map Amendment, at the time of the filing of the application for the Map Amendment, may elect to have any Variances or Conditional Use Permits for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the Map Amendment, or by the Board of Adjustments as otherwise provided for KRS Chapter 100.

The Commission ~~may~~ **shall** hear and finally decide applications for Dimensional Variances or Conditional Use Permits when a proposed development requires a Map Amendment and one (1) or more Dimensional Variances or Conditional Use Permits **when the Applicant elects to have the Commission hear both at the same public hearing** (pursuant to KRS 100.203 (5)). In such cases, the Commission shall assume all powers and duties otherwise exercised by the Board pursuant to KRS 100.231, 100.233, 100.237, 100.241, **100.243**, 100.247 and 100.251.

5-5 APPEAL PROCESS TO CIRCUIT COURT

Subsequent to the final action of the Board, any person or party claiming to be aggrieved **shall appeal** ~~may request that action to the Hardin Circuit Court. make the final decision in accordance with this Section of the Zoning Ordinance as follows, pursuant to KRS 100.347:~~

Such appeal shall be taken within thirty (30) days after the final action of the Board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustment shall be a party in any such appeal filed in the Circuit Court.

Final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the Board.