

Hardin County Board of Adjustment 19 August 2021

County Government Center
Second Floor Meeting Room

Owner: James Howard



Location A 0.422 acre site located at 8516 Hardinsburg Road, Cecilia, KY

Zoned Rural Residential (R-2)

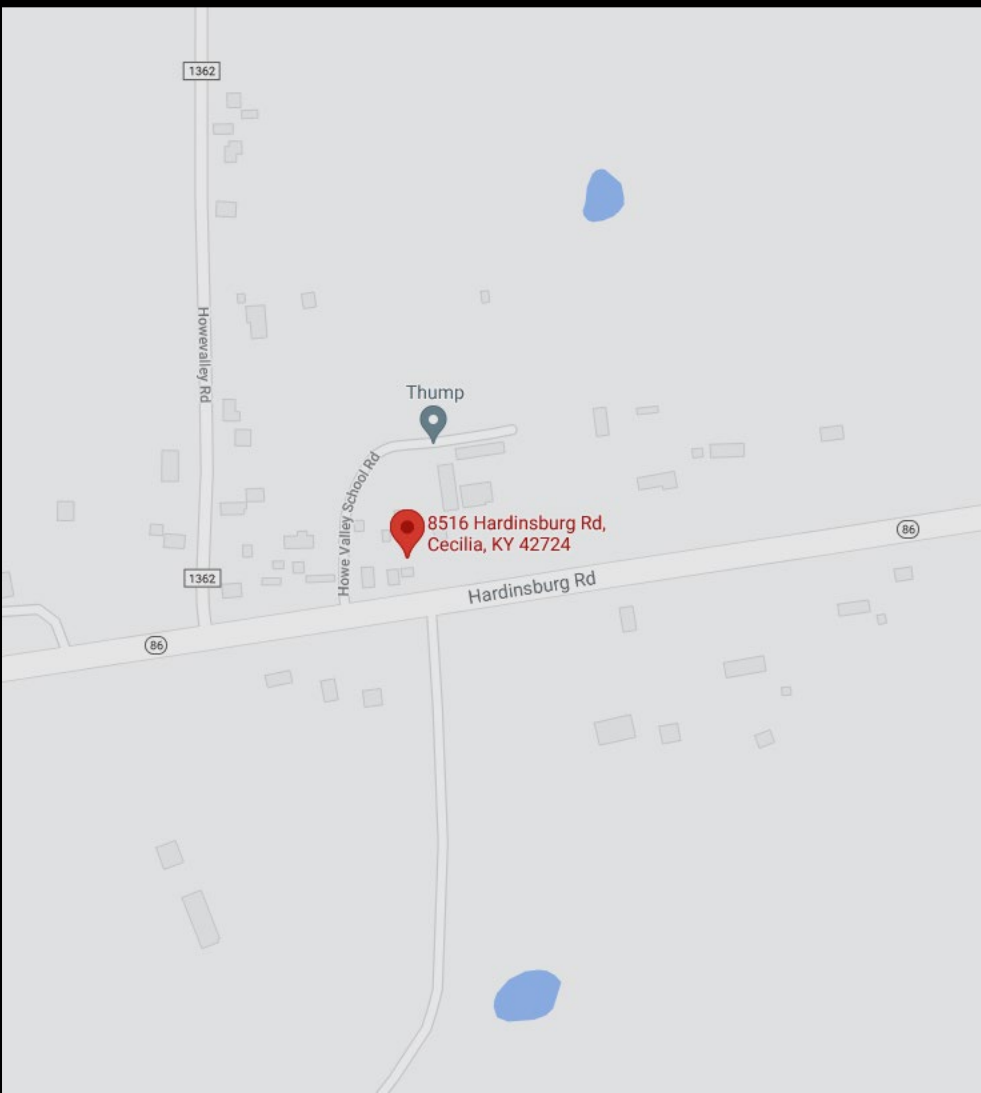
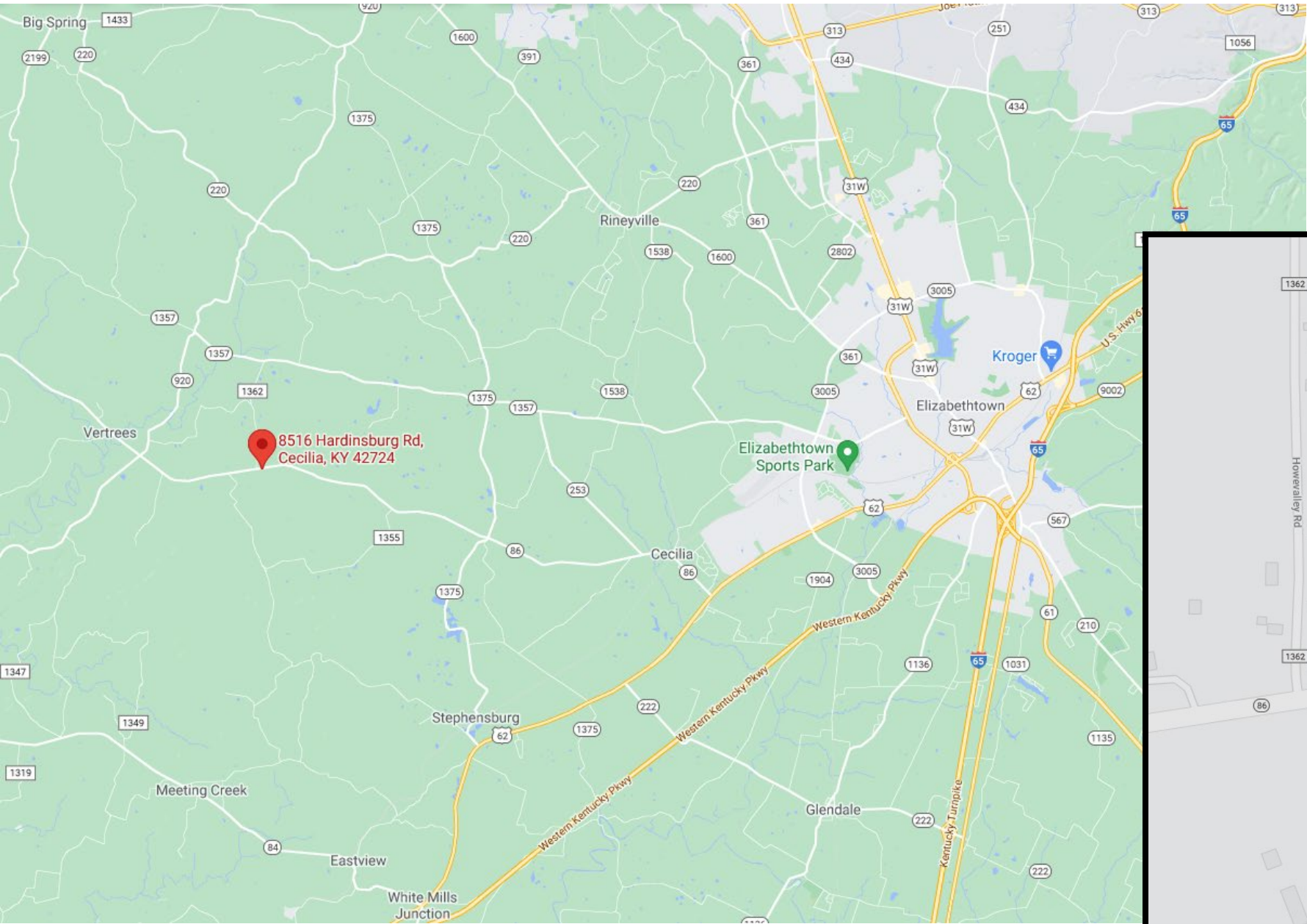
Requesting a **Variance from the rear building setback for an existing 18'x36' carport.**

8516 Hardinsburg Road
Variance
SUMMARY REPORT

LISTING OF EXHIBITS

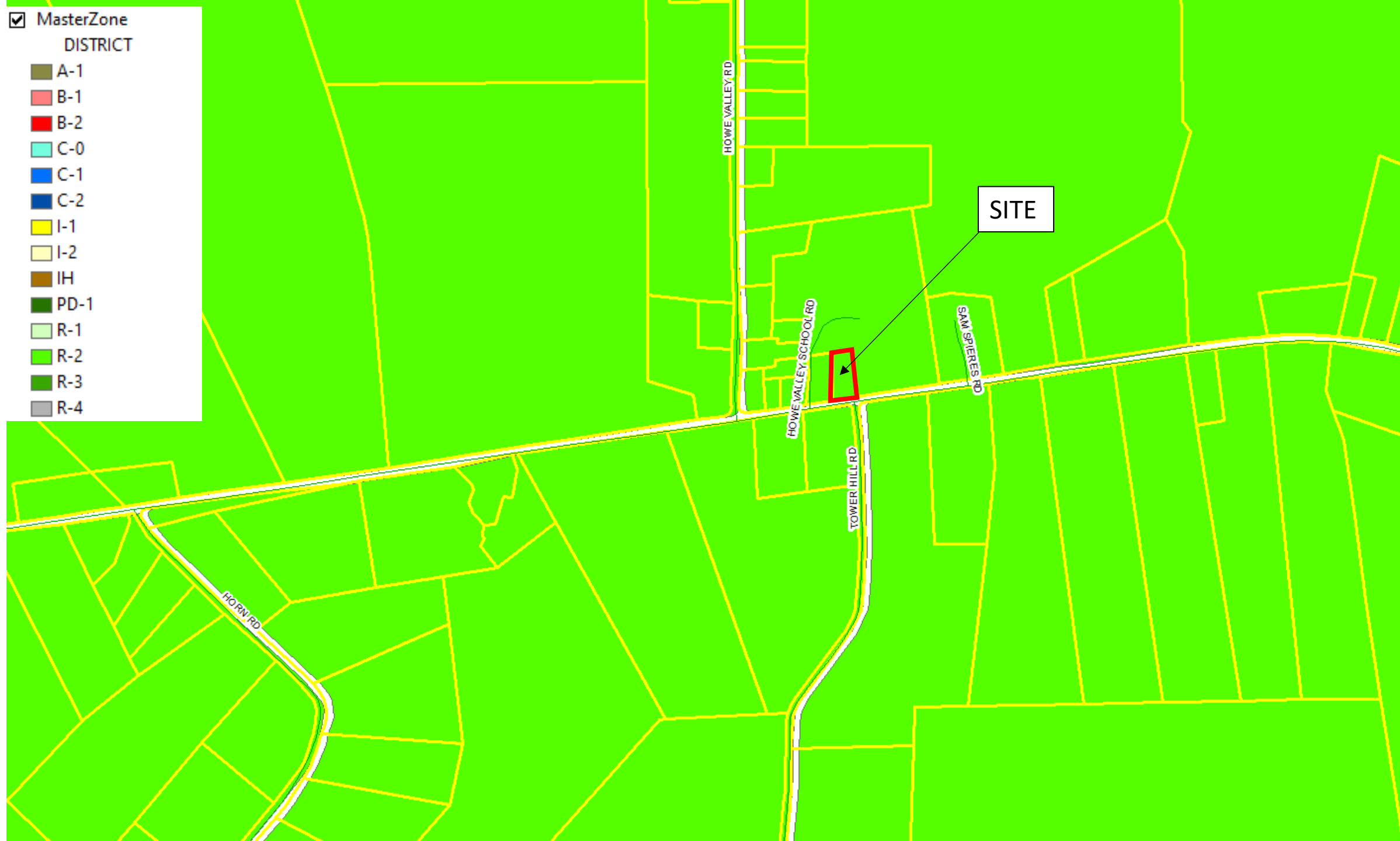
- A. Vicinity Map**
- B. Zoning Map**
- C. Aerial Photo**
- D. Site Plan**
- E. Photographs**
- F. Analysis of the Character of the Area**
- G. Analysis of other on Hardinsburg Road (KY 86)**
- H. *Comprehensive Development Guide**
- I. *Development Guidance System Ordinance**

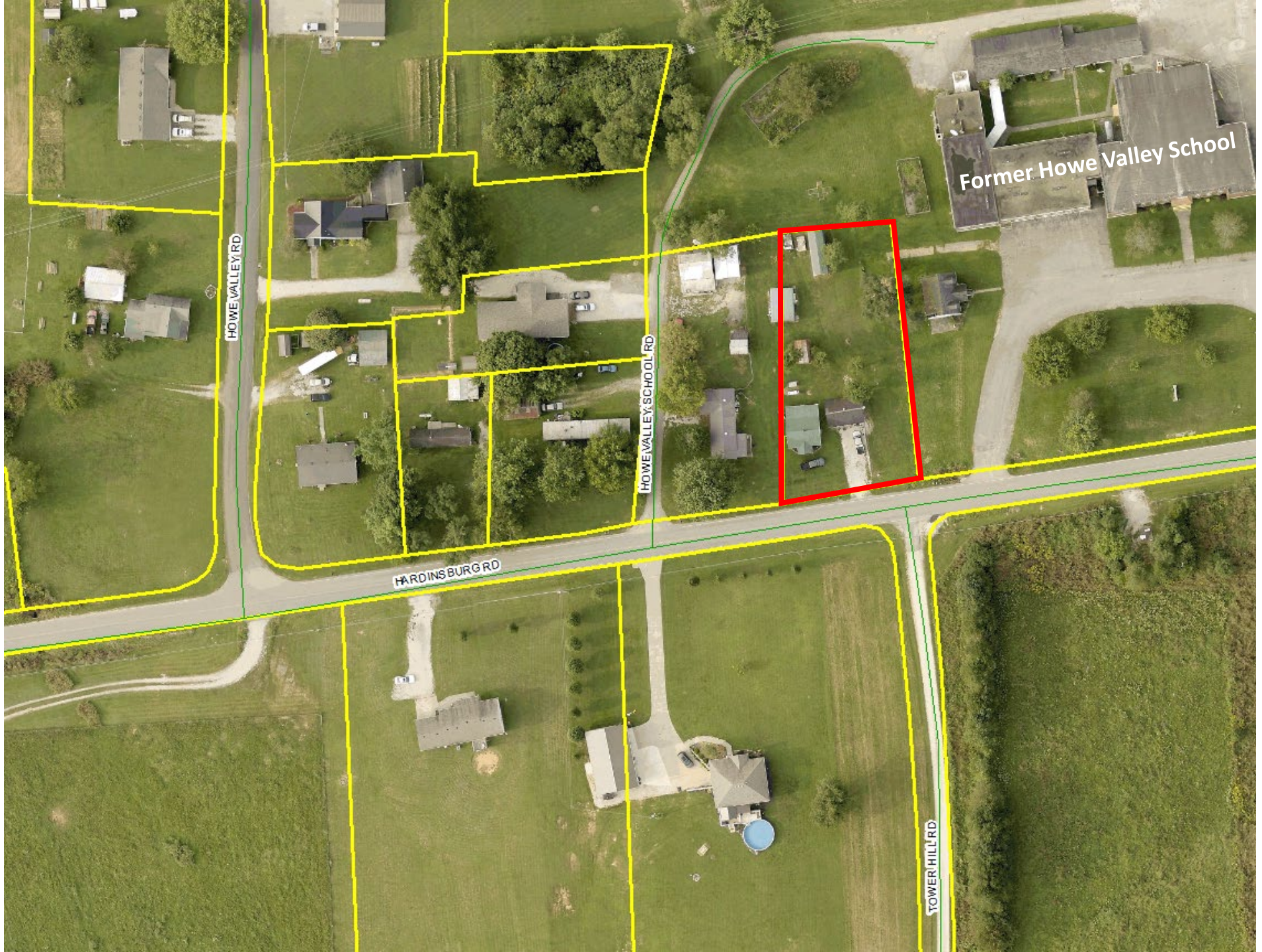
* Not Provided in PowerPoint

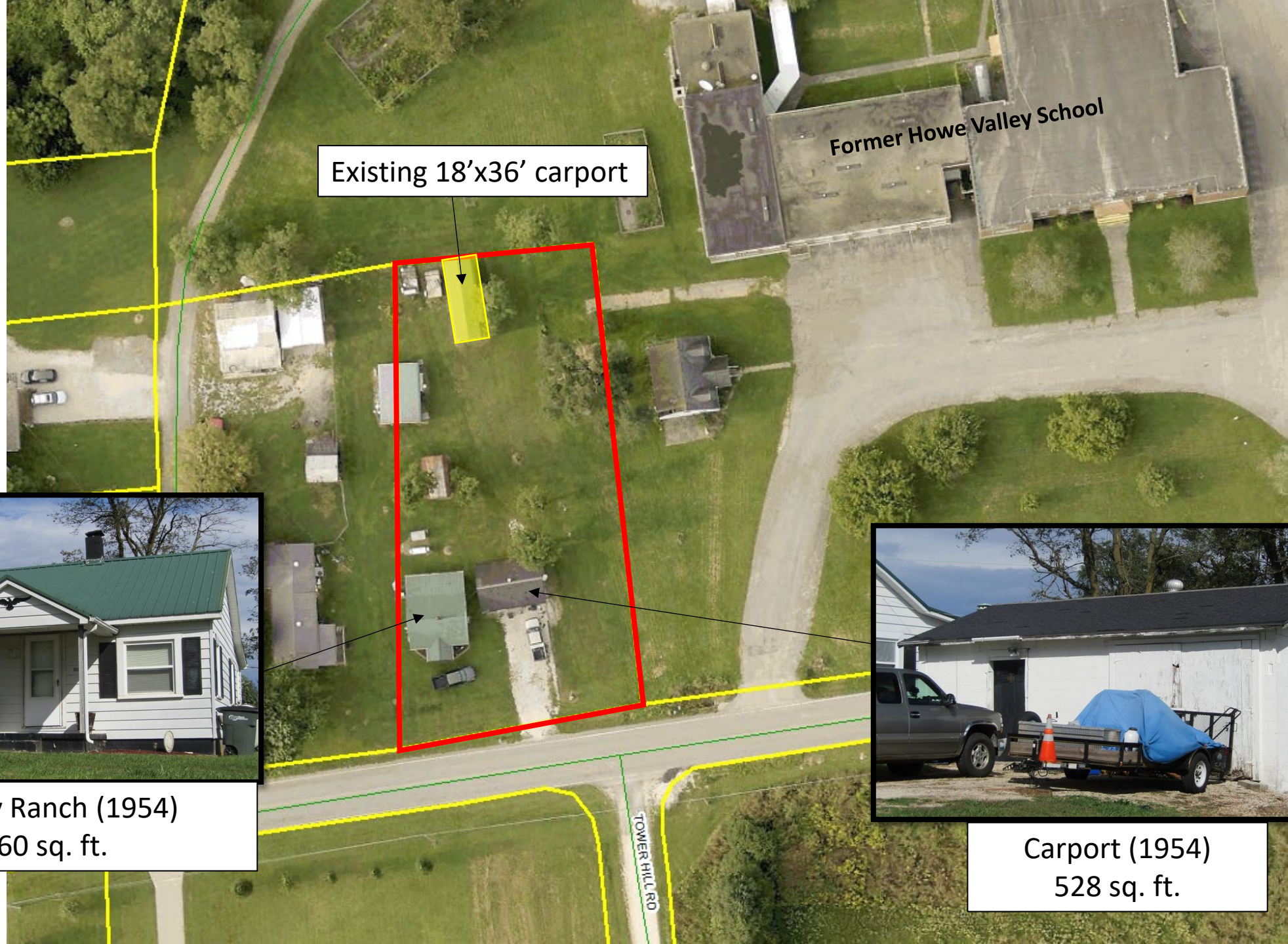


☐ MasterZone
☒ DISTRICT

A-1
B-1
B-2
C-0
C-1
C-2
I-1
I-2
IH
PD-1
R-1
R-2
R-3
R-4







Existing 18'x36' carport

Former Howe Valley School

TOWER HILL RD



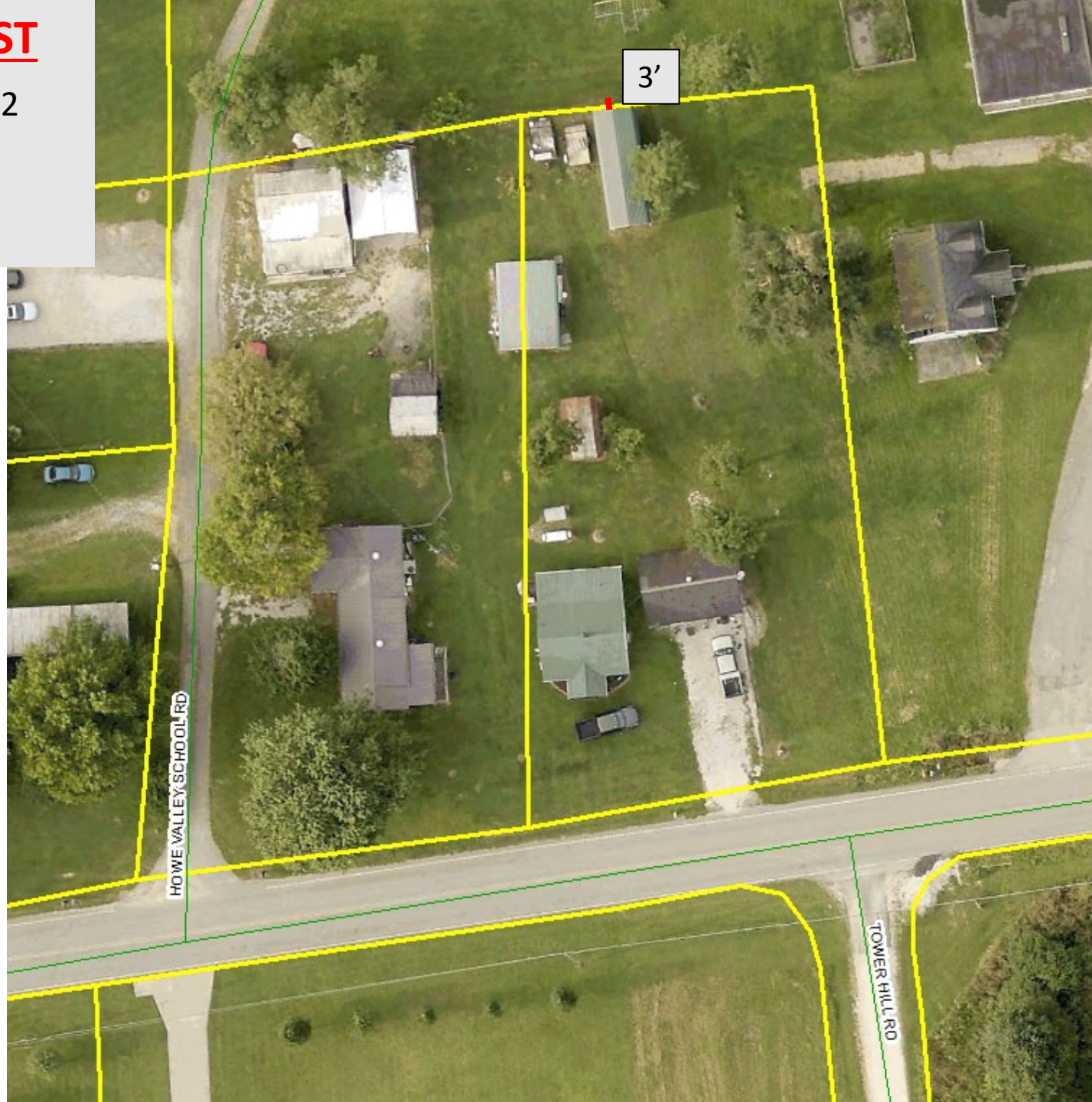
1-Story Ranch (1954)
960 sq. ft.



Carport (1954)
528 sq. ft.

VARIANCE REQUEST

- 15' Rear Setback in R-2
- Request is 3' to Rear Property Line
- = 12' Variance





960 sq. ft. house (1954)



Looking east down Hardinsburg Road (KY 86)

Looking west down Hardinsburg Road (KY 86)



Existing block
garage (1954)



18'x36'
carport



Structures on the
neighbors property



18'x36'
carport





VARIANCE REQUEST

- 15' Rear Setback in R-2
- Request is 3' to Rear Property Line
- = 12' Variance







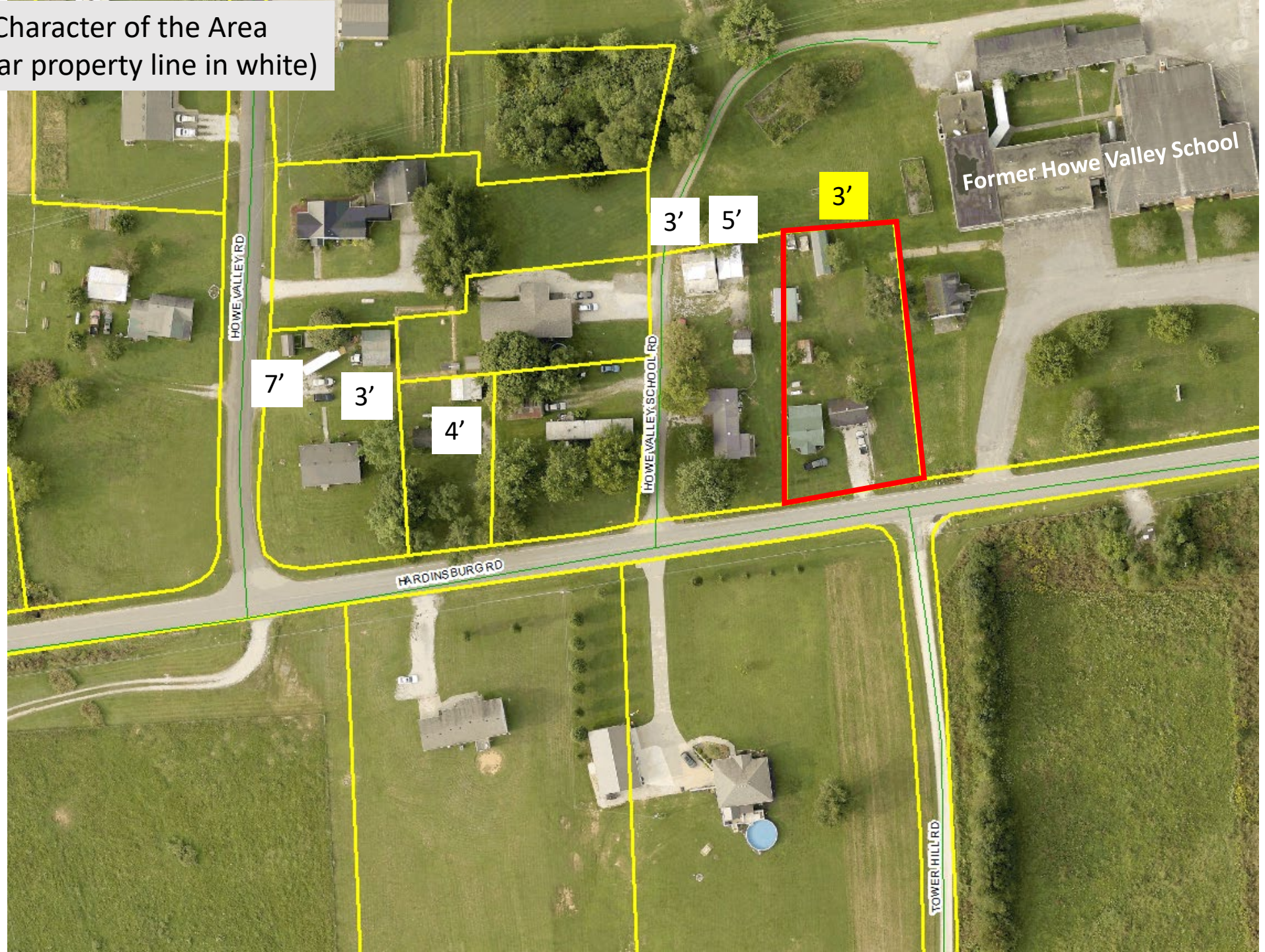
Drainage swale on site, runs under garage to a cross tile on Hardinsburg Road (KY 86)

Accessory Structure
encroaching rear
setback on adjoining
property





Analysis of the Character of the Area
(Distances to rear property line in white)

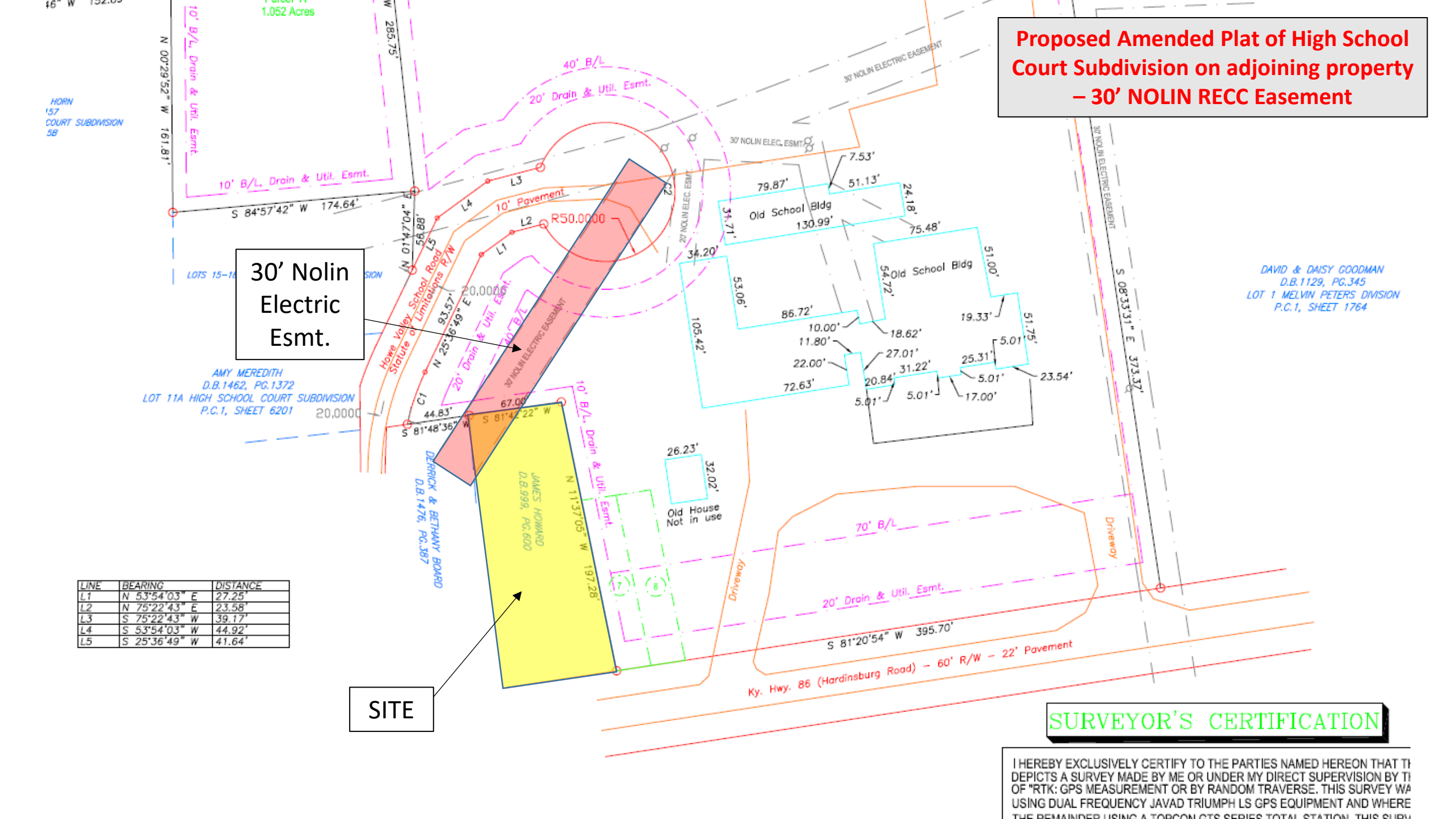


Variances on Hardinsburg Road (KY 86)

Permit Date ⬆	Parcel ⬆	Owner ⬆	Type ⬆	Zone ⬆	Listed Use (Dvpl, Cup, Var, Maps) ⬆	Project / Subdivision Name ⬆	Request ⬆	Site Address ⬆	Acres (All Permits) ⬆	Status ⬆
07/20/2021	068-00-00-021	HOWARD JAMES L	VARIANCE	R-2 - RURAL RESIDENTIAL ZONE	ACCESSORY STRUCTURE	HOWARD - 18' X 36' CARPORT	FROM REAR BUILDING SETBACK TO ALLOW FOR A DETACHED CARPORT.	8516 HARDINSBURG ROAD, CECILIA, KY	.422	PENDING
06/25/2021	068-00-00-029	SPARKS CHARLES E JR & CAROLYN D	VARIANCE	R-2 - RURAL RESIDENTIAL ZONE	ACCESSORY STRUCTURE	SPARKS VARIANCE FROM FRONT SETBACK - 28' X 35' CARPORT	FROM THE FRONT BUILDING SETBACK TO ALLOW FOR A 28' x 35' CARPORT	8010 HARDINSBURG RD. CECILIA, KY	1.190	APPROVED
01/10/2018	103-00-00-005	LOHDEN PATRICK E JR	VARIANCE	C-1 - CONVENIENCE COMMERCIAL ZONE	STORAGE	PAT'S CLASSICS	FRONT SETBACK LINE FOR A PROPOSED 25'X34' ADDITION TO THE EXISTING BUILDING ON SITE	4430 HARDINSBURG RD	1.900	APPROVED
07/01/2010	068-00-00-060	LLOYD HORNE	VARIANCE	R-2 - RURAL RESIDENTIAL ZONE		ROAD FRONTAGE REQUIREMENT / TOBY'S ACRES SECTION 2, LOTS 3 & 4	RELIEF FROM THE REQUIRED ROAD FRONTAGE AND THE 1:3 RATIO FOR A PROPOSED SUBDIVISION LOT	HARDINSBURG ROAD (KY 86)	38.000	APPROVED
05/10/2010	102-00-00-040; 102-00-00-039; 102-00-00-045	JAMES JONES	VARIANCE	R-2 - RURAL RESIDENTIAL ZONE		1:3 RATIO / PROPERTY BY POWELL	RELIEF FROM THE 1:3 RATIO FOR BOTH LOTS OF A PROPOSED 2 LOT SUBDIVISION	5235 HARDINSBURG ROAD (KY 86)	4.000	APPROVED
07/19/2007	147-30-01-075.01	COX CARL W & LINDA C	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE		CUL DE SAC - FRONT SETBACK LINE / BRIANNA WAY	REDUCE THE FRONT SETBACK LINE TO ACCOMMODATE AN EXISTING GARAGE	150 HARDINSBURG ROAD (KY 86)	.839	APPROVED
04/30/2007	168-20-00-019; 168-20-00-020	CREAGER WILSON	VARIANCE	C-1 - CONVENIENCE COMMERCIAL ZONE		REAR SET BACK LINE / LAKEWOOD SUBDIVISION, SECTION 8	TO REDUCE THE REAR BUILDING SETBACK LINES ON LOTS 801 & 804 TO PROVIDE FOR A LARGER BUILDING ENVELOPE.	0 HARDINSBURG ROAD (KY 86)	3.988	APPROVED
03/30/2007	068-00-00-060	LLOYD & MARILYN HORNE	VARIANCE	R-2 - RURAL RESIDENTIAL ZONE		SIDE SETBACK LINE /	TO REDUCE THE FRONT BUILDING SETBACK LINE TO ACCOMMODATE THE REPLACEMENT OF THE EXISTING MANUFACTURED HOME WITH A LARGER UNIT	7035 HARDINSBURG ROAD (KY 86)	.000	APPROVED
09/03/2003	147-30-02-034	CHARLES & DEBBIE WOOD	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE		/	SETBACK LINES FOR A PORCH AND GARAGE	508 HARDINSBURG ROAD (KY 86)	.052	APPROVED
Records 1 to 9 (of 9)										

9 Total: 8 Approved and 1 Pending

Proposed Amended Plat of High School Court Subdivision on adjoining property – 30' NOLIN RECC Easement



DAVID & DAISY GOODMAN
D.B.1129, PG.345
LOT 1 MELVIN PETERS DMSION
P.C.1, SHEET 1764

SITE

SURVEYOR'S CERTIFICATION

I HEREBY EXCLUSIVELY CERTIFY TO THE PARTIES NAMED HEREON THAT TI
DEPICTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION BY TI
OF "RTK: GPS MEASUREMENT OR BY RANDOM TRAVERSE. THIS SURVEY WA
USING DUAL FREQUENCY JAVAD TRIUMPH LS GPS EQUIPMENT AND WHERE
THE REMAINDER USING A TOPCON LGS SERIES TOTAL STATION. THIS SURV

Findings necessary for Granting Variances

KRS 100.243 and DGS 5-3(B)

1. Before any variance is granted, the Board of Adjustment 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 this regulation. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
 - b. 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;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.
2. The Board shall deny any request for variance arising from circumstances that are the result of willful violations of this regulation by the applicant subsequent to the adoption of this regulation.

*I make a Motion to **Approve** the Variance with the Following Conditions:*

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Variances outlined in the Development Guidance System, Zoning Ordinance 5-3(B)(1) with Finding of Fact:

(A) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;

(B) 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;

(C) The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.

Motion to Approve the proposed Variance :

1. To allow for a Variance from the 15' rear building setback line to allow for the existing 18'x36' carport no closer than ____' from the rear property line.
2. The carport shall not be under the NOLIN RECC overhead electric line easement.
3. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

OR

Motion to Deny

Owner: Phyllis & Milton Reeves
Applicant: Sonya Durham



Location A 3 acre site located at 133 Raizor Lane, Cecilia, KY

Zoned Rural Residential (R-2)

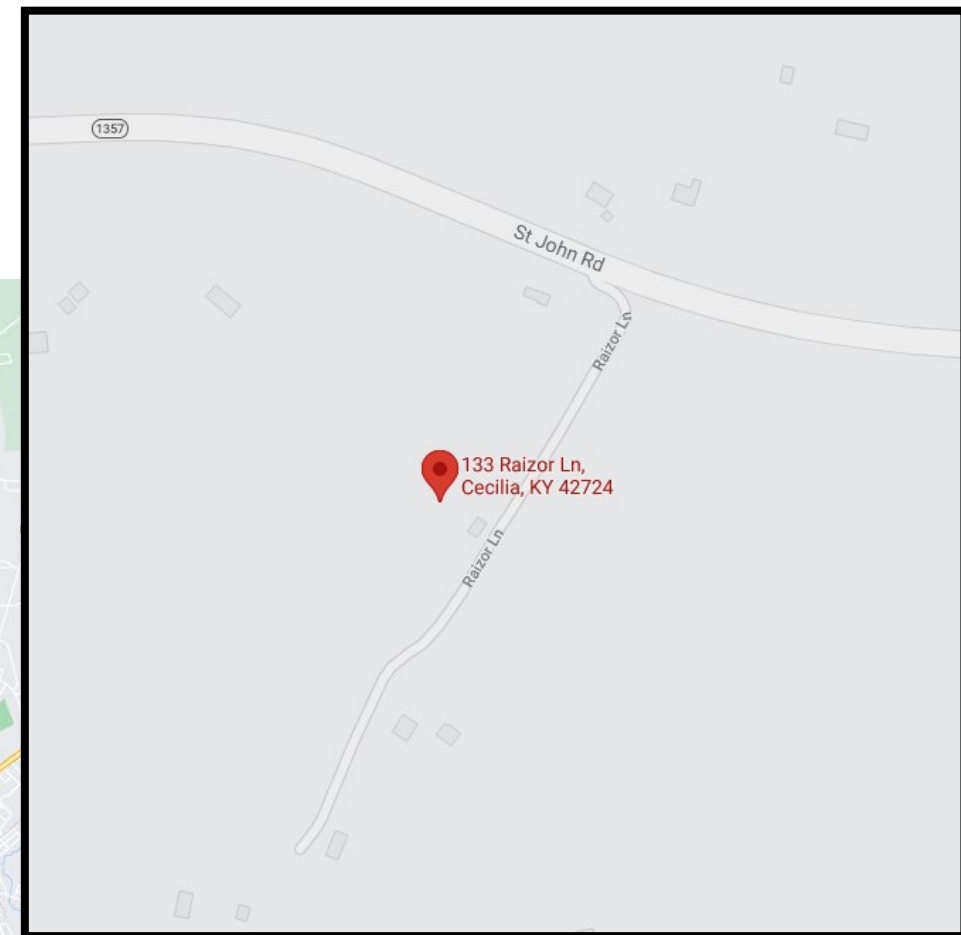
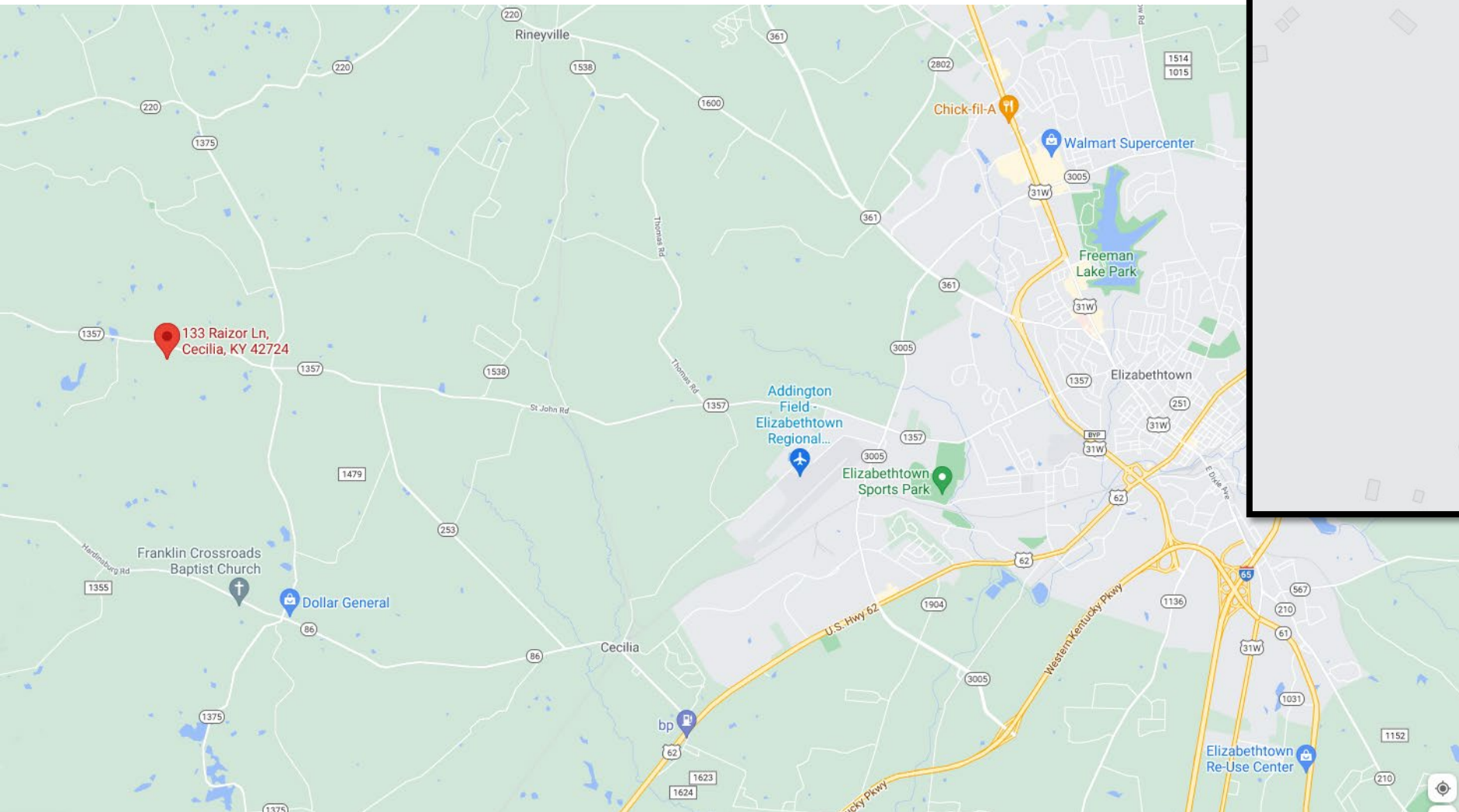
Requesting a Variance from the front building setback along Raizor Lane (Private Road - 40' Ingress / Egress) for a proposed 28'x68' Manufactured Home with a 6'x6' Front Porch.

133 Raizor Lane
Variance
SUMMARY REPORT

LISTING OF EXHIBITS

- A. Vicinity Map**
- B. Zoning Map**
- C. Aerial Photo**
- D. Site Plan**
- E. Photographs**
- F. Choi Estates – adjoining Plat (2005)**
- G. Analysis of the Character of the Area**
- H. Topography Map**
- I. Rendering / Floor plan of proposed home**
- J. *Comprehensive Development Guide**
- K. *Development Guidance System Ordinance**

* Not Provided in PowerPoint



☐ MasterZone



DISTRICT

A-1

B-1

B-2

C-0

C-1

C-2

I-1

I-2

IH

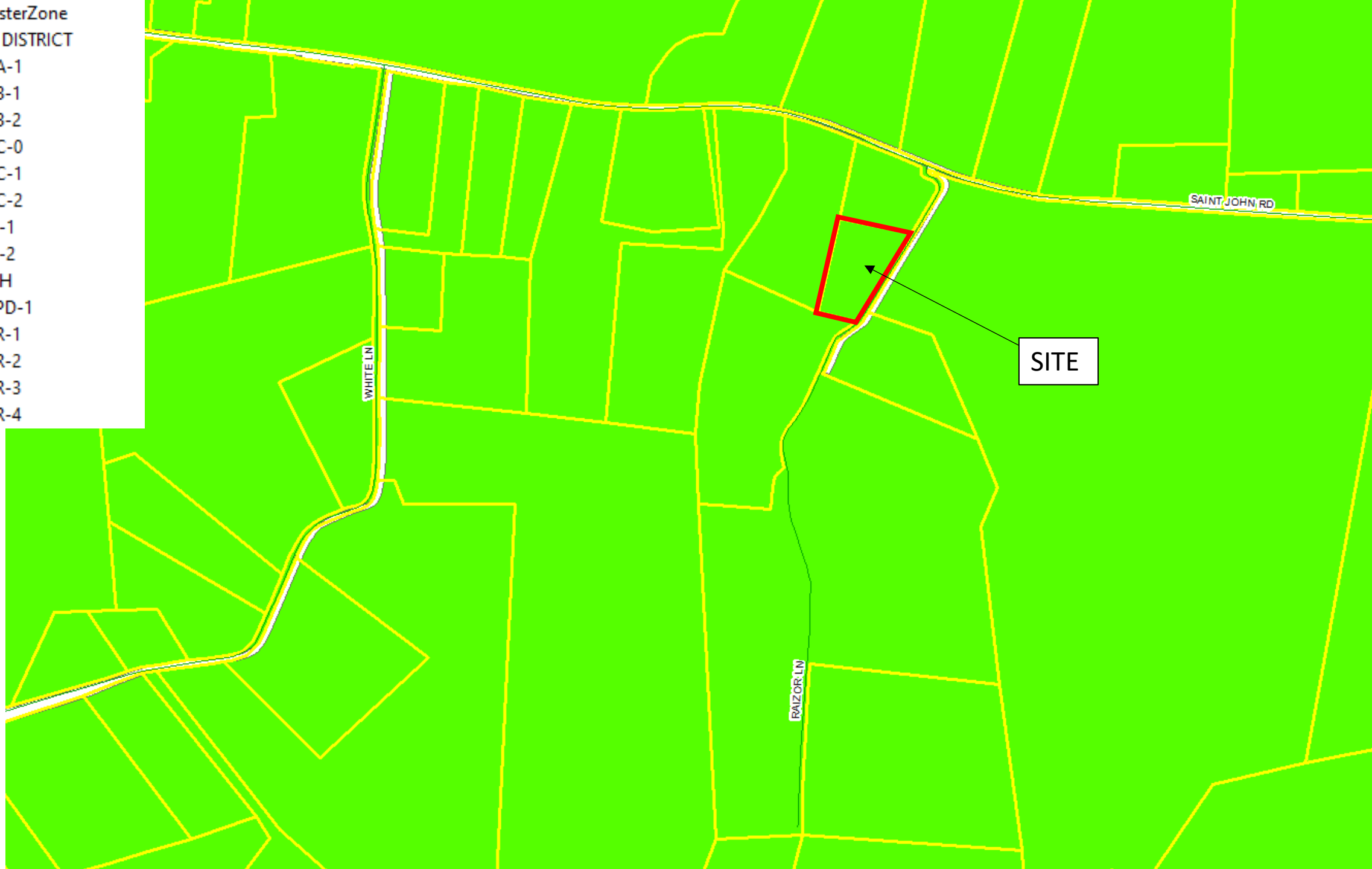
PD-1

R-1

R-2

R-3

R-4





VARIANCE REQUEST

- 90' to the Centerline of Raizor Lane
- Request is 50' to C/L of Raizor Lane
- = 40' Variance



Previous Home
(removed)
864 sq. ft.
doublewide (1979)

Proposed 28'x68'
Manufactured home
with 6'x6' Front Porch

50' to C/L

R-2 Zone:

Front Setback to
Property Line – 70'

40' Ingress / Egress
for Raizor Lane (20'
to C/L)

= 90' to C/L

Raizor Lane

- Private Road – 40' Ingress / Egress
- 10' gravel road
- Total of 9 homes on Raizor Lane





Previous doublewide and deck were 24' from the c/l of road

- 90' to the Centerline of Raizor Lane
- Request is 50' to C/L of Raizor Lane
- = 40' Variance





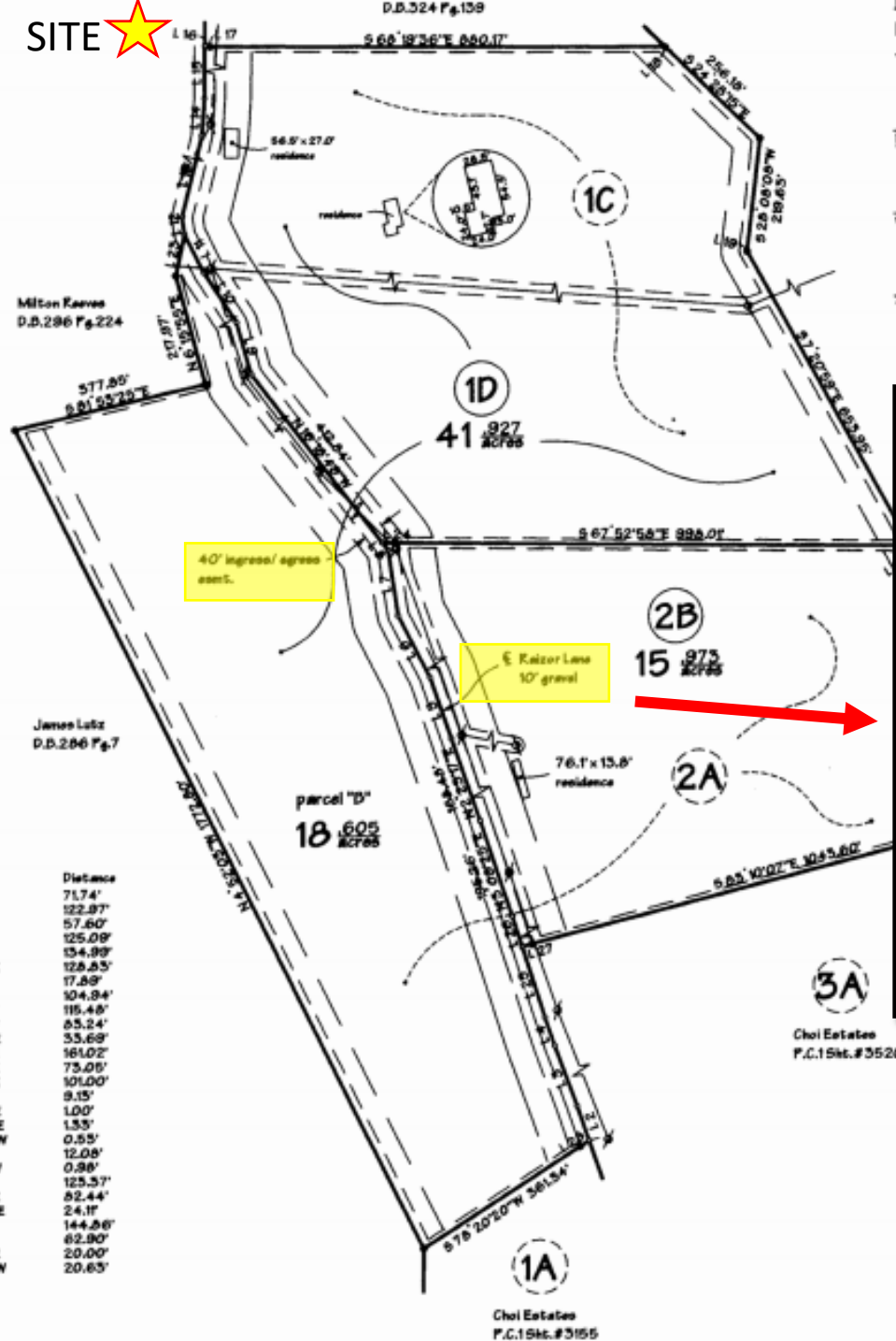
- 90' to the Centerline of Raizor Lane
- Request is 50' to C/L of Raizor Lane
- = 40' Variance







SITE 



I being a duly authorized agent of the cited utility company, I hereby certify that this record plat on behalf of my company. I also release:

Electric Co. Rep.	Nolin Title
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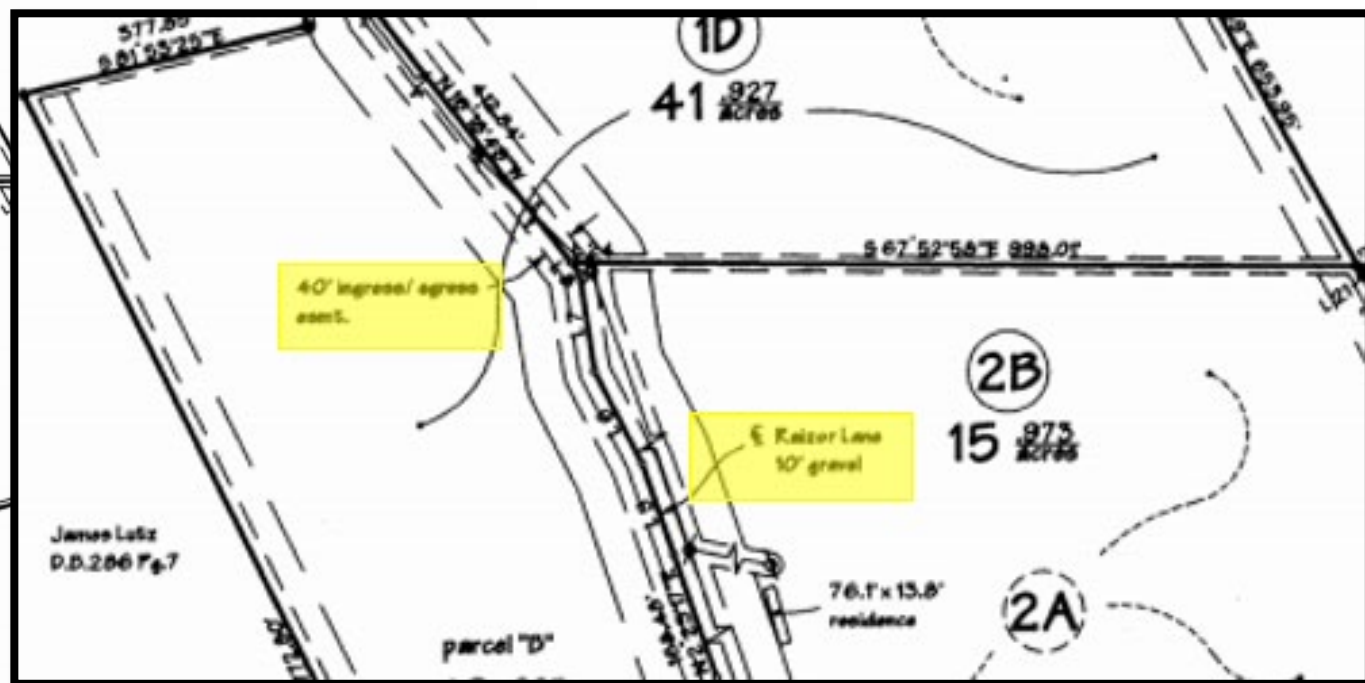
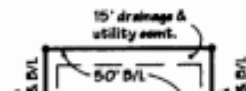
6-13-05
Date

Beto Lyle ACWD No. 1
Water Col. Rep. Title

6-16-05
Date

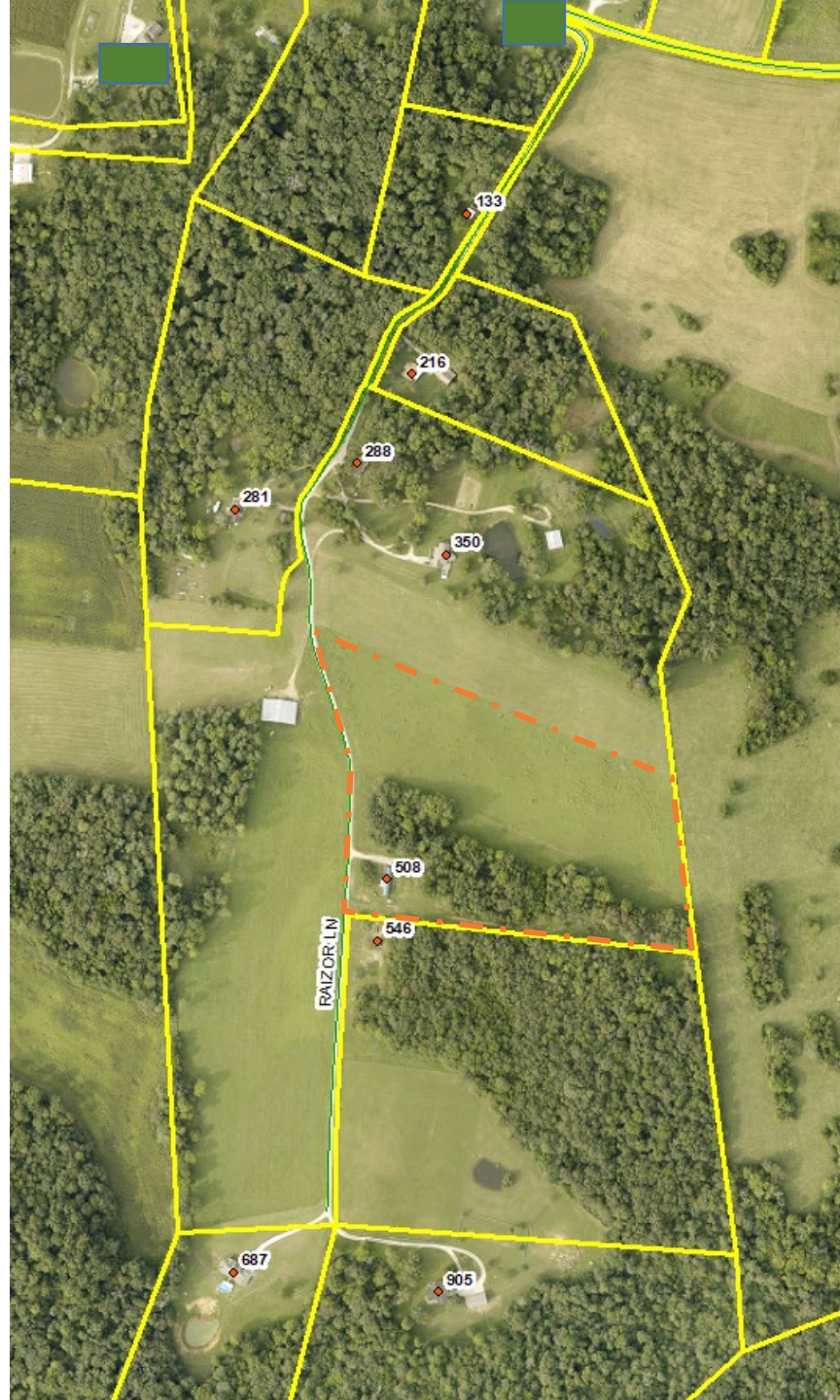
Mr. C. W. Hall ALLTEL
Telephone Co. Rep. Title

6-16-05
Date

Choi Estates
P.C.1 Sit. #3520

Raizor Lane

- Private Road – 40' Ingress / Egress
- 10' gravel road
- Total of 9 homes on Raizor Lane

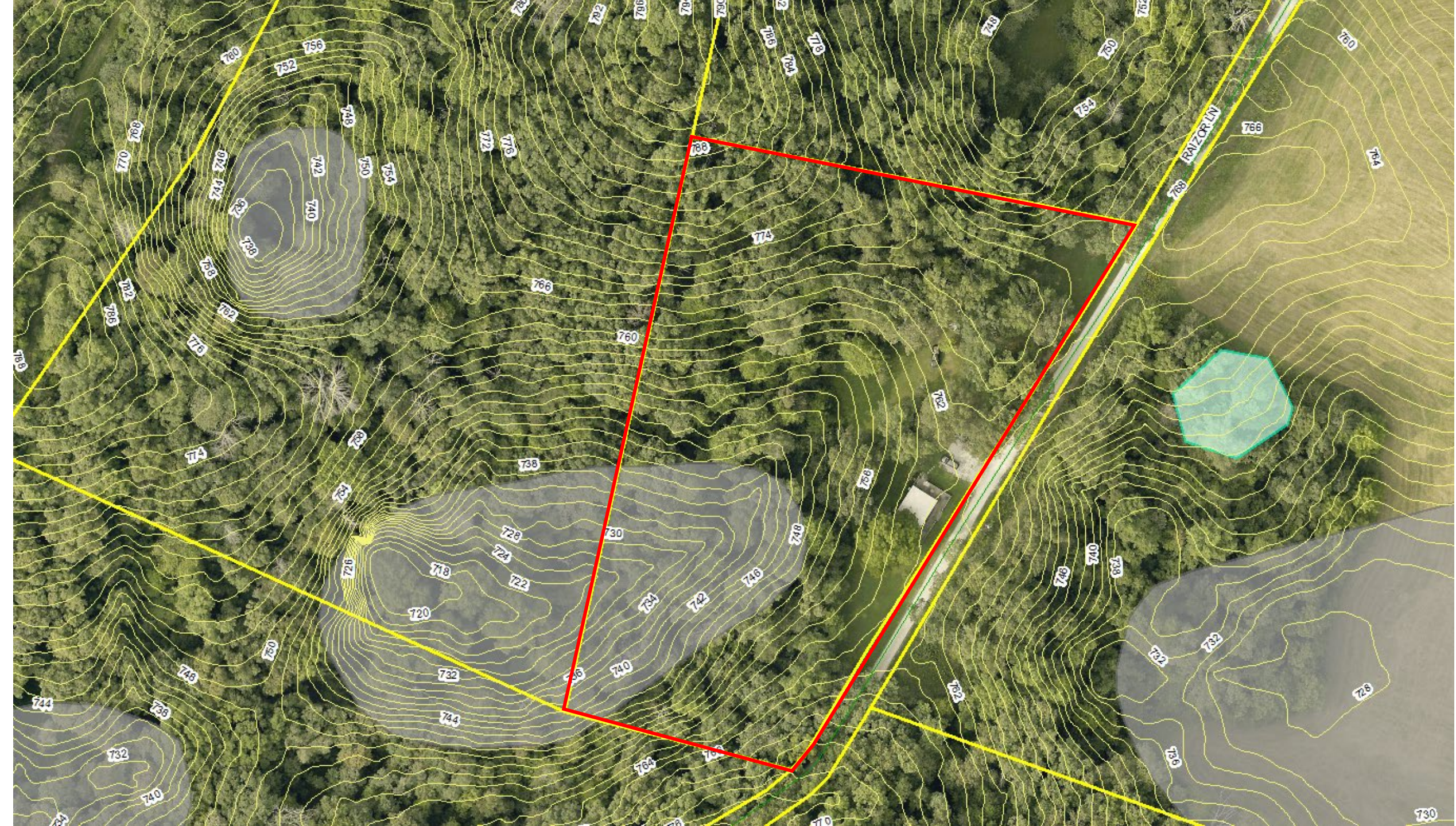


In 2002 Amended Plat 288 and 350 Raizor were both on the same lot (Sheet #3155)

In 2003 Amended Plat 508 Raizor Lane is on a separate lot (Sheet #3520)

Analysis of the Character of the Area
(Setbacks along Raizor Lane)





TAKE 3D TOUR

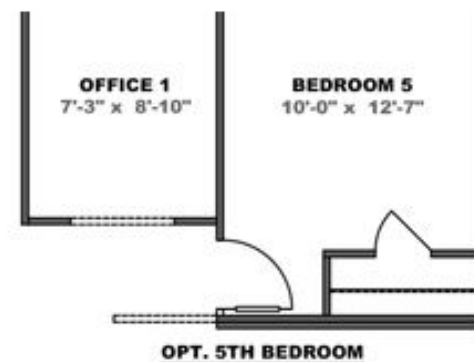


Photos from Oakwood Homes Website of the Proposed Manufactured Home (28'x68' with a 6'x6' front porch)

TAKE 3D TOUR



Potential Floor Plan



Findings necessary for Granting Variances

KRS 100.243 and DGS 5-3(B)

1. Before any variance is granted, the Board of Adjustment 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 this regulation. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
 - b. 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;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.
2. The Board shall deny any request for variance arising from circumstances that are the result of willful violations of this regulation by the applicant subsequent to the adoption of this regulation.

*I make a Motion to **Approve** the Variance with the Following Conditions:*

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Variances outlined in the Development Guidance System, Zoning Ordinance 5-3(B)(1) with Finding of Fact:

(A) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;

(B) 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;

(C) The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.

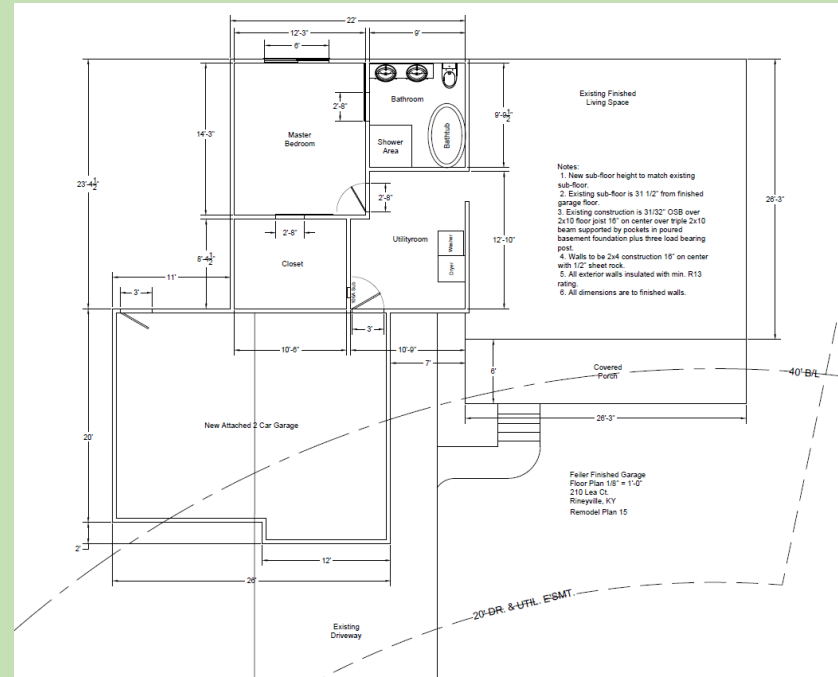
Motion to Approve the proposed Variance :

1. **To allow for a Variance from the 70' front building setback line (90' to Centerline) along Raizor Lane to allow for the construction of a 28'x68' Manufactured Home with a 6'x6' Front Porch no closer than 50' from the centerline of the road. The front porch may be covered but shall not be enclosed.**
2. **A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.**
3. **A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.**

OR

Motion to Deny

Owner: Tammy &
Raymond Feiler



Location A 1.515 acre site located at 210 Lea Court, Rineyville, KY and known as Lot 19 of Rolling Heights Subdivision.

Zoned Urban Residential (R-1)

Requesting a **Variance from the front building setback for a proposed 22'x26' attached garage.**

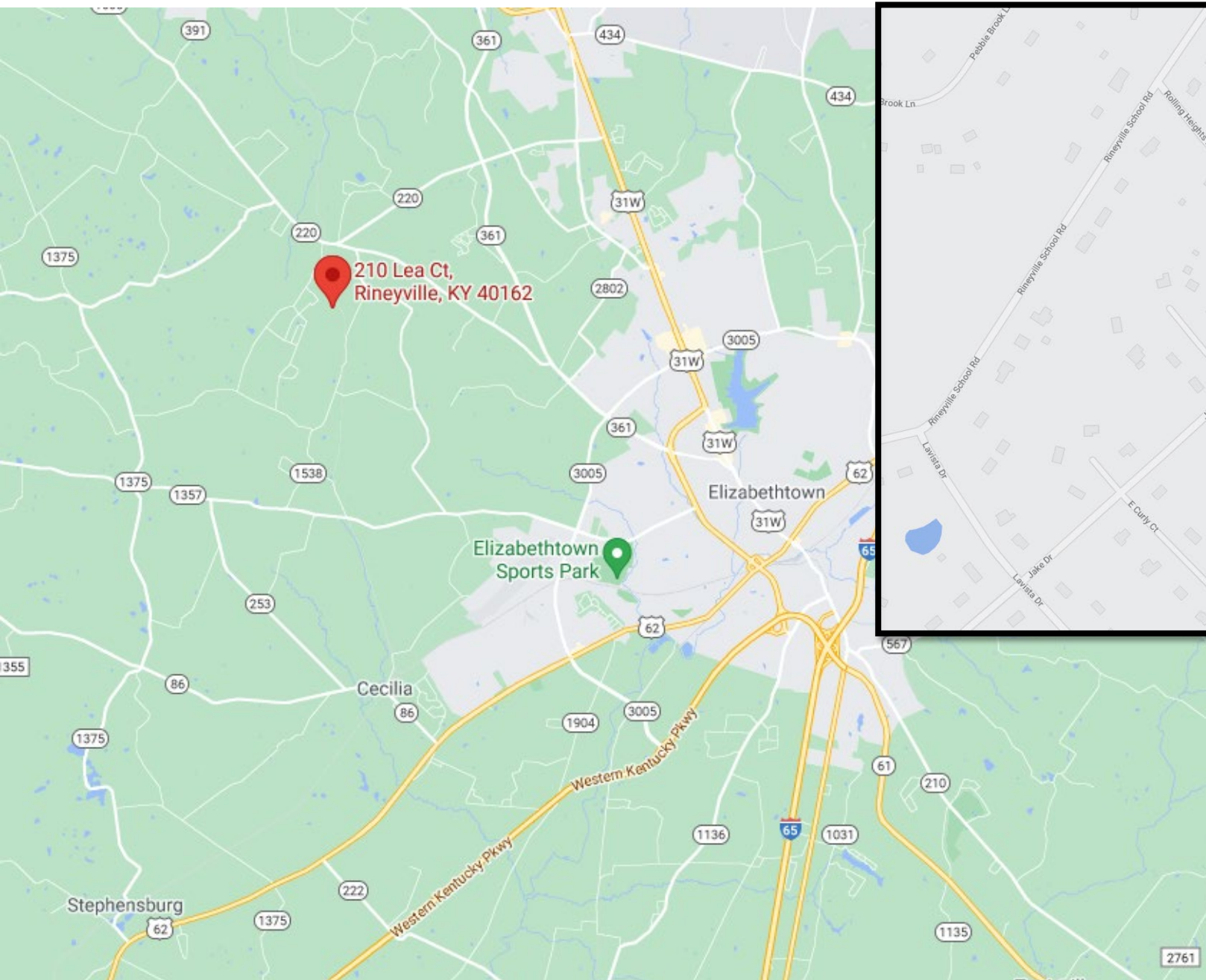
210 Lea Court

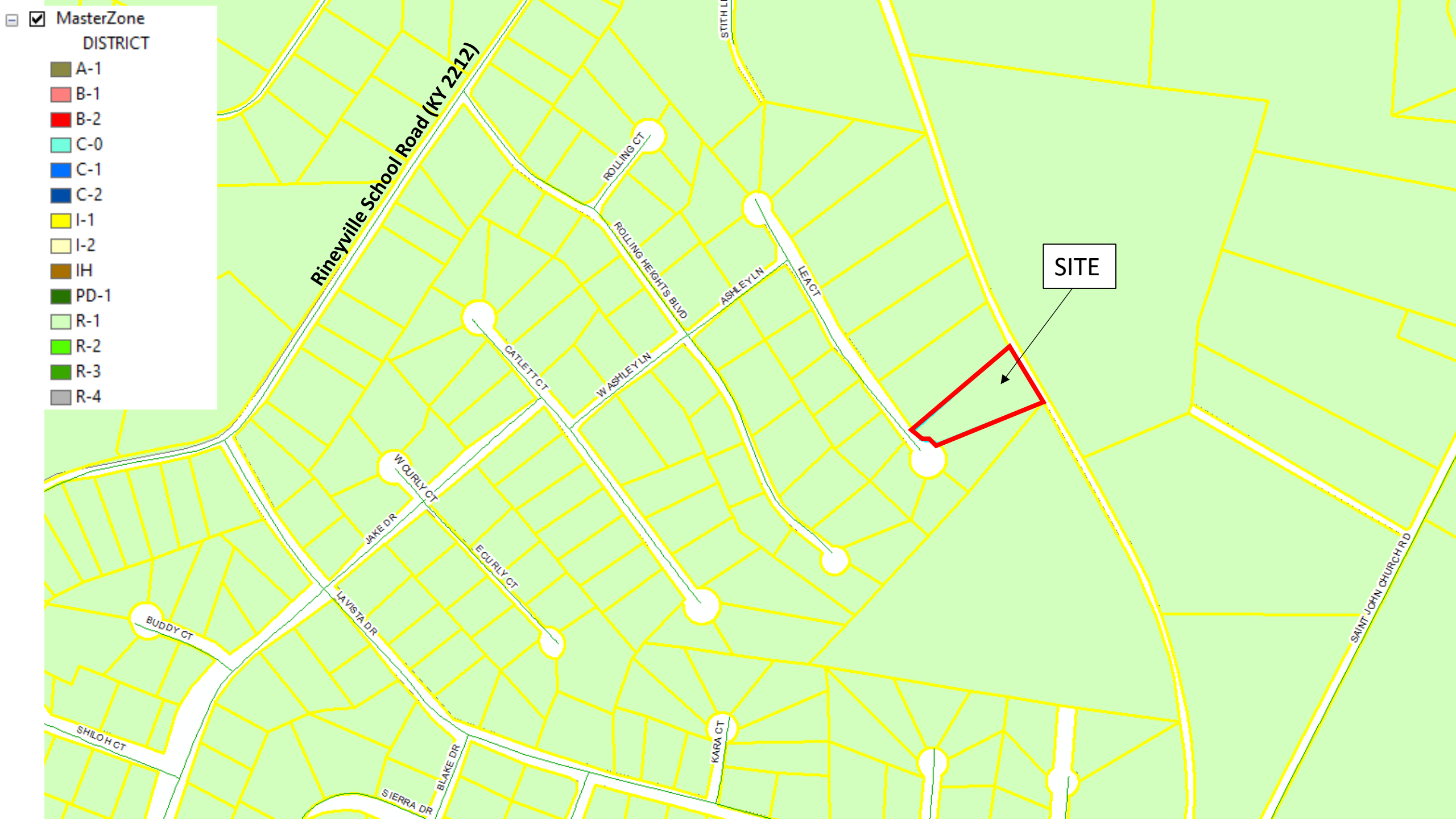
Variance
SUMMARY REPORT

LISTING OF EXHIBITS

- A. Vicinity Map**
- B. Zoning Map**
- C. Aerial Photo**
- D. Plat of Rolling Heights (1996)**
- E. Site Plan**
- F. Photographs**
- G. Analysis of other Variances in Rineyville and in Rolling Heights**
- H. *Comprehensive Development Guide**
- I. *Development Guidance System Ordinance**

* Not Provided in PowerPoint







Railroad

ROLLING C

ROLLING HEIGHTS BLVD

ASHLEY LN

LEACT

WASHLEY LN

CATELETT CT

VARIANCE REQUEST

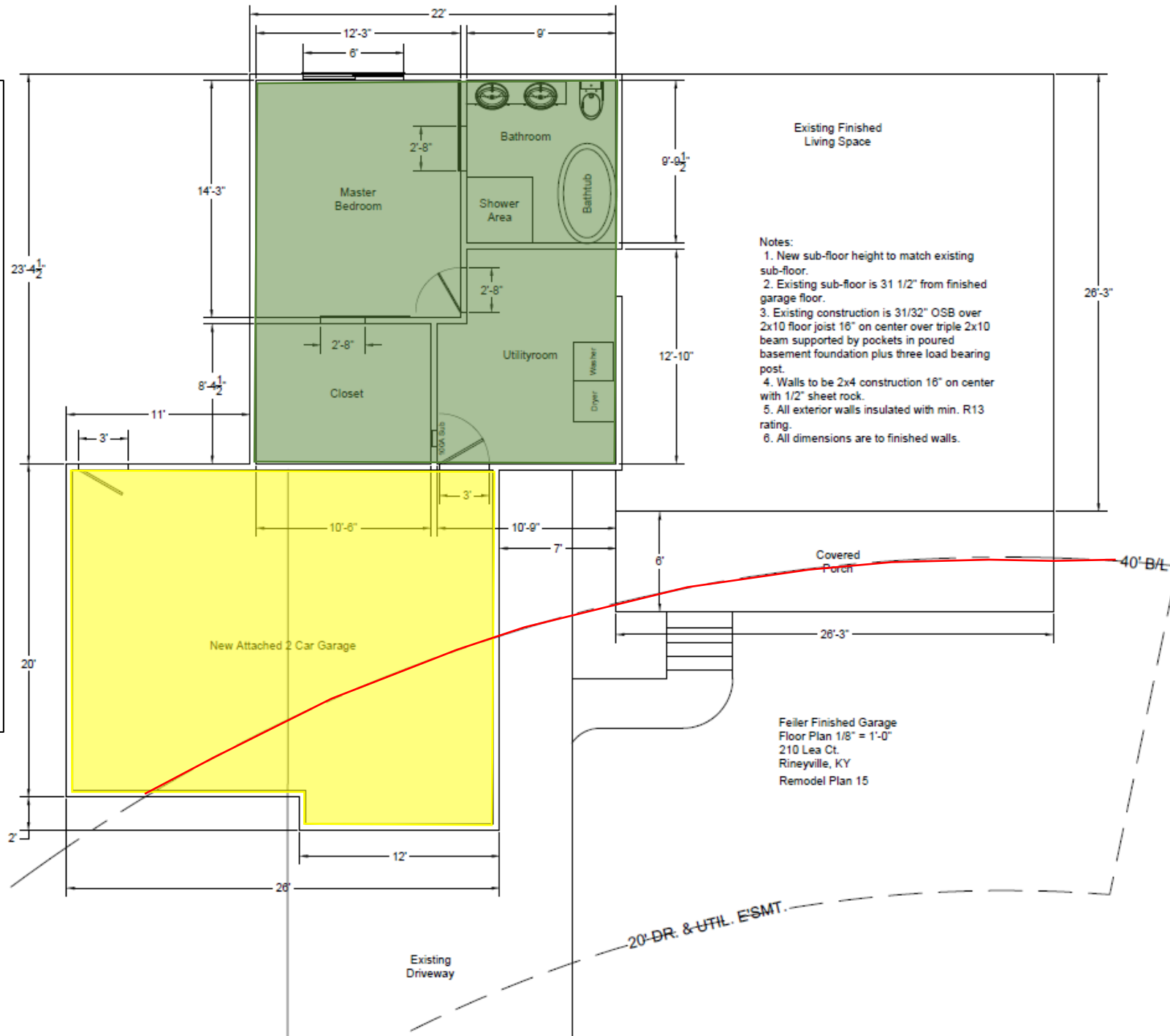
- 40' Front Setback in R-1
- Request is $\pm 28'$ to Front Property Line
- = 12' Variance



Green – current
2 car garage
(If approved will
be converted into
main level
Master Bedroom
and Utility Room

Yellow -
Proposed
22'x26' Attached
2 car garage

Red line =
Building Setback



VARIANCE REQUEST

- 40' Front Setback in R-1
- Request is $\pm 28'$ to Front Property Line
- = **12'** Variance

LOT 19

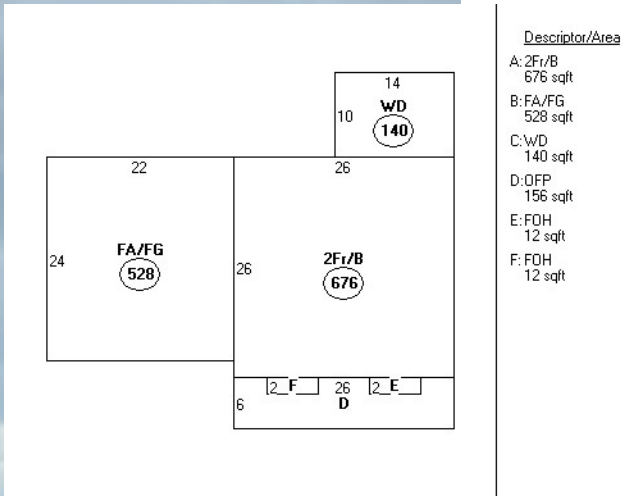


VARIANCE REQUEST

- 40' Front Setback in R-1
- Request is $\pm 28'$ to Front Property Line
- = **12'** Variance

Improvement Information

Description	ROLLING HGTS SUBD LT 19	Finished Basement %	89
Type of Residence	2-STORY	Bedrooms	3
Year Built	1999	Full Baths	2
Num Stories	2	Half Baths	1
Above Ground Sqft	1587	Exterior	ALUM/VINYL
Total Living Area	2194	Heat	ELECTRIC
Basement	FULL	Air Condition	CENTRAL/AC
Basement Sqft	676	Fireplace	0
Basement Sqft Finish	607		











Variances within the Rineyville Rural Village Planning Area

Permit Date ⬆	Parcel ⬆	Owner ⬆	Type ⬆	Zone ⬆	Listed Use (Dvpl, Cup, Var, Maps) ⬆	Project / Subdivision Name ⬆	Request ⬆	Site Address ⬆	Acres (All Permits) ⬆	Status ⬆
07/29/2021	143-00-04-019	FEILER TAMMY D & RAYMOND C	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE	RESIDENTIAL	ROLLING HEIGHTS SUBDIVISION LOT 19	FROM THE FRONT BUILDING SETBACK TO ALLOW FOR A 22'x26' ATTACHED GARAGE	210 LEA COURT, RINEYVILLE, KY	1.515	PENDING
10/14/2020	121-00-0B-004	RINK ROBERT AND PAULA	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE	DWELLING; SINGLE FAMILY	VARIANCE FROM FRONT SETBACK - BLACKBURN ESTATES, SEC. 2, LOT 4	FROM FRONT BUILDING SETBACKS TO ALLOW FOR REPLACEMENT OF 7' DEEP COVERED PORCH	376 BLACKBURN ROAD, RINEYVILLE, KY	.510	APPROVED
04/04/2016	121-00-0B-130	REESOR STEPHEN & CONNIE	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE	RESIDENTIAL	BLACKBURN ESTATES, LOTS 129 & 130	TO ALLOW FOR A MANUFACTURED HOME TO BE PLACED ON THE PROPERTY	440 CARROLL AVENUE	.670	APPROVED
04/30/2013	121-00-0B-182; 121-00-0B-183	FREDDIE OGLETREE	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE		FRONT SETBACK / BLACKBURN ESTATES SUBDIVISION SECTION 2, LOTS 182 & 183	RELIEF FROM THE REQUIRED FRONT SETBACK LINE TO ACCOMMODATE A PROPOSED FRONT PORCH (6' X 8')	97 DILLARD AVENUE	.901	APPROVED
10/25/2012	121-00-00-006.05	TTCC RENTALS C/O PAUL & DIANE TAYLOR	VARIANCE	C-1 - CONVENIENCE COMMERCIAL ZONE		/ SAGEBRUSH CORNER SECTION 2, LOT 3B	RELIEF FROM THE REQUIRED 1:3 WIDTH-TO-LENGTH RATIO	RINEYVILLE BIG SPRINGS ROAD	3.099	WITHDRAWN
05/25/2012	121-00-00-018	DON & BONNIE WILCOX	VARIANCE	R-2 - RURAL RESIDENTIAL ZONE		FRONT SETBACK LINE /	RELIEF FROM THE FRONT SETBACK LINE FOR THE PROPOSED BARN (48' X48')	5219 RINEYVILLE BIG SPRINGS ROAD	41.800	APPROVED
02/14/2011	143-20-00-057	FRANCIS & JANET HARDESTY	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE		SIDE SETBACK LINE / FARM SIDE SUBDIVISION, LOT 17A	RELIEF FROM THE SIDE SETBACK LINE TO ACCOMMODATE TWO EXISTING ACCESSORY STRUCTURES	916 RINEYVILLE SCHOOL ROAD (KY 2212)	1.471	APPROVED
07/30/2009	142-00-06-003; 142-00-06-039	GEOFFREY & DEBORAH WALDEN	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE		SIGHT TRIANGLE / COTTONWOOD ESTATES SECTION 1, LOT 3 & 39	RELIEF FROM THE SITE TRIANGLE DISTANCE (SIGN)	26 TRINITY DRIVE	.000	APPROVED
09/11/2008	143-00-06-002	SHERRI BARNES	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE		/ COLLINBROOK SUBDIVISION	TO REDUCE THE FRONT SETBACK LINE TO ACCOMMODATE AN EXISTING FRONT PORCH	35 MCDREAMY COURT	.886	DENIED
Records 1 to 9 (of 9)										

9 Total: 6 Approve, 1 Denied, 1 Withdrawn and 1 Proposed

Other Variance in Rolling Heights

Permit Date	Parcel	Owner	Type	Zone	Listed Use (Dvpl, Cup, Var, Maps)	Project / Subdivision Name	Request	Site Address	Acres (All Permits)	Status
07/29/2021	143-00-04-019	FEILER TAMMY D & RAYMOND C	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE	RESIDENTIAL	ROLLING HEIGHTS SUBDIVISION LOT 19	FROM THE FRONT BUILDING SETBACK TO ALLOW FOR A 22'x26' ATTACHED GARAGE	210 LEA COURT, RINEYVILLE, KY	1.515	PENDING
12/08/1999	144-00-02-021, 144-00-02-022	HUMPHREY	VARIANCE			CATLETT COURT / ROLLING HEIGHTS		RINEYVILLE SCHOOL ROAD (KY 2212)		APPROVED

Records 1 to 2 (of 2)

Hardin County Board of Adjustment
Minutes: 16 December 1999
Page 1 of 3

Chairman Bob Krausman called the eighty-second meeting of the Hardin County Board of Adjustment to order at 5:00 p.m. on Thursday, 16 December, 1999, in the Fiscal Court Room on the second floor of the R.R. Thomas County Government Building. Other Board Members in attendance were Jack Holman (Vice-Chairman) and Dennis Parrett (Secretary). Also attending were Director Chris Hunsinger, Planner Frederick Rollenhagen and those persons on the attached sign-in sheet.

At 5:00 p.m., Chairman Krausman appointed Jack Holman to serve as the hearing officer for a variance request as established in the Development Guidance System (3.21) (5.5 (A) (3) (f)) to reduce the front building setback line from 40 feet from the property line. The proposal is on two lots, a 0.769 acre lot and a 0.820 acre lot, (PVA Map Numbers 144-00-02-021, -022) located on the north side of Catlett Court, being Lots 64 and 65 of Rolling Heights Subdivision, as recorded in the Hardin County Clerk's office, Plat Cabinet 1, Sheet #2554. Property is owned by Leroy Humphrey (Deed Books 776-701, 776-705). The property is located in the Urban Growth Sector and is designated Urban Residential (R-1). Testimony was provided by Fred Bramblet and Doug Reed, and evidence was provided by the engineer, John Wiseman (exhibits attached). At 5:15 p.m., Hearing Officer Holman closed the hearing and turned the meeting over to Chairman Krausman. Based on the requirement of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which are as follows:

- granting the variance will not tend to change the character and established pattern of development of the area;
- granting the variance will not adversely affect the public health, safety or welfare, or cause a hazard or nuisance to the public;
- granting the variance shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and;
- granting the variance shall be in accordance with the purposes of the Development Guidance System and the Comprehensive Development Guide;

Board Member Parrett moved that due to the errors in replacing the front property corners following the construction of the street, a variance should be granted allowing the front building setback line to be reduced from 40 feet from the property line to 33 feet for Lot 64 and Lot 65 of Rolling Heights Subdivision permitting attached and covered front porches. A condition is added that the two front porches are not to be enclosed and used as living space. Board Member Holman seconded the motion. Motion passed unanimously.



Findings necessary for Granting Variances

KRS 100.243 and DGS 5-3(B)

1. Before any variance is granted, the Board of Adjustment 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 this regulation. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
 - b. 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;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.
2. The Board shall deny any request for variance arising from circumstances that are the result of willful violations of this regulation by the applicant subsequent to the adoption of this regulation.

*I make a Motion to **Approve** the Variance with the Following Conditions:*

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Variances outlined in the Development Guidance System, Zoning Ordinance 5-3(B)(1) with Finding of Fact:

(A) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;

(B) 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;

(C) The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.

Motion to Approve the proposed Variance :

1. To allow for a Variance from the 40' front building setback line along Lea Court to allow for the construction of a 22'x26' attached garage to be no closer than 28' from the front property line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

OR

Motion to Deny