

## Applicant Information

In filling out this form, please note that the term **Owner/ Co-Applicant** is used to denote that the owner of the subject property is considered to be a party to this application and that the owner has authorized its submission, even when the primary applicant is not the current legal owner of the subject property.

**IMPORTANT:** Legal counsel has advised that all information and exhibits regarding this application shall be attached to this application or presented to the Board of Adjustment at the public hearing. Direct individual contact with board members should not occur.

Date received by Planning Office

## Subject Property

Street Address

Acreage

### Please check one:

- PROPERTY OUTSIDE Whitesville city limits:** Submit **one (1) copy** of all four (4) pages of this completed application form and attached materials. See table at top right for required application materials.
- PROPERTY INSIDE Whitesville city limits:** Submit **two (2) copies** of all four (4) pages of this completed application form and attached materials. See table at top right for required application materials.

## Applicant

Name, Address

Day Telephone

## Owner / Co-Applicant

Name, Address

Day Telephone

## Application prepared by

Name, Address

Day Telephone

## Application Materials to Submit

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## Filing Fee based on zone

ZONING CLASSIFICATION	FEE
A-R Rural Agriculture	\$270
MHP Manuf Housing	
R-1B Single-Family	
R-1T Townhouse	
R-2MF Multi-Family Res	\$350
R-3MF Multi-Family Res	
R-4DT Inner-City Res	\$425
P-1 Professional/Service	
B-2 Central Business	
B-4 General Business	
I-1 Light Industrial	
I-2 Heavy Industrial	
<b>FILING FEE</b>	

## Applicant & Owner Certifications

**By the Applicant/Owner:** I (We) the undersigned applicant and owner, fully understand that approval of this Variance does not allow the applicant/owner to construct, alter, modify, or occupy a building on the subject property. The applicant/owner is responsible for obtaining all approvals as necessary, including plan review, permitting inspections and site plan drainage approval before occupancy of the building will be allowed. Please contact the Building/Electrical Division of the OMPC at 270-687-8650 prior to beginning any work on the subject property for applicable requirements.

Applicant/Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

By: \_\_\_\_\_  
Applicant

By: \_\_\_\_\_  
Owner

**By the Applicant:** I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and correct. I further certify that I accept responsibility for payment of advertising costs relating to this application and fully understand that the Messenger-Inquirer requires that the OMPC Hearing Notice be paid in full before the notice is published. If the applicant fails to pay for the notice when contacted by the Messenger-Inquirer the item cannot be heard by the OMPC.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

By: \_\_\_\_\_

**By the Owner/Co-Applicant:** I do hereby certify that I am the owner of this property and authorize the submission and consideration of this application and all information herein and attachments hereto.

Owner/Co-Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

By: \_\_\_\_\_

*(Please type or print name below signature)*

### Copy of Current Deed & Subdivision Information

**Submit** copy of current deed for the subject property; two (2) copies if inside Whitesville. **Fill in below:**

Name of Subdivision	
Plat Book	Page
Unit	Lot #
AND BEING PART OF THE SAME PROPERTY CONVEYED...	
TO	
BY	
BY DEED DATED	DAY OF ,
BEING ON RECORD IN DEED BOOK	AT PAGE
IN THE DAVIESS COUNTY CLERK'S OFFICE.	

### Certification of No Deed Restrictions

**Submit a letter from an attorney; two (2) copies if inside Whitesville.** The application must include a letter from an attorney certifying to the following statement: "After researching the records of the Daviess County Clerk, for a period of thirty (30) years for residential property or for a period of sixty (60) years for non-residential properties I find there are no deed restrictions, no deeds of dedication, and no other covenants of record that would prohibit the proposed use of the subject property or invalidate consideration of the requested variance by the Owensboro Metropolitan Board of Adjustment."

### Site Plan Drawing

**Submit** copy of drawing that illustrates the items in the following list; two (2) copies if inside Whitesville. **Twelve (12) reduced copies no larger than 11" X 17" must also be submitted.**

- Scale of drawing (1" = \_\_\_\_\_ feet)
- Shape and dimensions of the subject property
- Location of all adjoining streets, alleys, existing and proposed street access points
- Shape and dimensions of all existing and proposed buildings
- Distances, by dimension, of buildings to property lines and existing or proposed parking facilities (include parking layout)
- If a landscape variance is requested, show proposed landscape buffers and materials
- Location sketch for identification purposes to be placed on drawing, indicating location of the subject property within a two-to-three block area

### Description of the Variance Request

**Submit copy; two (2) copies if inside Whitesville.** In the space below or on an attached sheet, describe clearly and accurately the variance request. **Reasons for the variance request should be given on Page 4.**

PLEASE TYPE OR PRINT

### List of Adjoining Property Owners

**Submit copy; two (2) copies if inside Whitesville.** The applicant must submit a list of names and mailing addresses of all persons owning property adjoining the subject property, including properties directly across streets and other public rights-of-way.

**Use the form below.** The names shall be secured from the records of the Daviess County Property Valuation Administrator (PVA) no more than thirty (30) days prior to submission of this application.

**In cases where a business, institution or other owner group is to be notified,** please provide the name of the president, chairman or other officer of the owner group.

Address of Property Adjoining Subject Property	Name(s) of Property Owner(s)	Mailing Address(es) with Zip Codes

PLEASE TYPE OR PRINT

## Reasons for the Variance Request

**Submit copy; two (2) copies if inside Whitesville. In the space at right** or on an attached sheet, the applicant should give reasons for the requested variance, specifically addressing items **1 - 4** and **A - C** below, as well as any other pertinent considerations.

### Considerations for Granting Variances

The Board of Adjustment has the power to hear and decide on applications for variances from dimensional terms of the Zoning Ordinance pertaining to the height, width, or location of structures, and the size of yards, open spaces and landscape areas. The Board **does not** have the power to grant a variance to permit a use of land, building, or structure that is not permitted by the Zoning Ordinance in the zone in question.

**Before any variance is granted, the Board must find that the granting of the variance...**

1. Will not adversely affect the public health, safety or welfare;
2. Will not alter the essential character of the general vicinity;
3. Will not cause a hazard or a nuisance to the public; and
4. Will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance.

**In making the above findings, the Board shall consider:**

- A. Whether the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- B. Whether the strict application of the provisions of the Zoning Ordinance would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- C. Whether the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

PLEASE TYPE OR PRINT