

**99A.030 Codes applicable to residential buildings -- Variances.**

- (1) Prior to or concurrent with the establishment of a neighborhood redevelopment zone, the legislative body of the local government shall adopt by ordinance the BOCA Basic Property Maintenance Code as drafted by the Building Officials and Codes Administrators International, Inc., and the Kentucky Building Code which shall be applicable to all residential buildings within the neighborhood redevelopment zone. The local government shall delegate responsibility for enforcement to the local agency responsible for local enforcement of the state building code, or such other agency deemed best qualified to carry out the responsibilities under this chapter.
- (2) Variances from provisions of the Kentucky Building Code may be granted in specific cases pursuant to the provisions of this subsection.
  - (a) If a submitted plan for rehabilitation of a residential building is disapproved by the local enforcement agency for nonconformity with the building code, the owner or his agent may, in writing, apply to the Department of Housing, Buildings and Construction for a variance from the building code with respect to such plans. In making the determination to approve or disapprove the application for variance, the department shall consider:
    1. The architectural and historical significance of the structure;
    2. The health, safety, and welfare of the public;
    3. The costs of complying with the standards;
    4. The ability of the applicant to proceed with the project if the variance is not granted; and
    5. The significance to the neighborhood of the project.The department may impose a reasonable fee for the evaluation of a requested variance.
  - (b) The Department of Housing, Buildings and Construction shall respond in writing within twenty (20) working days of the application, and such response shall be binding upon the local enforcement agency. Appeals from the determination of the Department of Housing, Buildings and Construction may be taken to the board of appeals.
  - (c) The Department of Housing, Buildings and Construction shall maintain a central file of all such determinations, making them available upon request, to all interested parties, and using them as precedent for other cases.
  - (d) The Kentucky Department of Housing, Buildings and Construction, the Kentucky State Historic Preservation Office, and the Kentucky Housing Corporation are authorized to establish a joint task force to identify and recommend changes in the state building code as it applies to the rehabilitation of existing housing.
- (3) The United States Secretary of the Interior's standards of rehabilitation shall apply to the rehabilitation of the exterior of any housing listed individually on the National Register of Historic Places or located in an historic district listed on the

National Register of Historic Places.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 86, effective July 15, 2010. -- Created 1984 Ky. Acts ch. 174, sec. 4, effective July 13, 1984.