

*McCracken County
Zoning Board of Adjustment*



Application Packet
For A Non-Conforming
Use Change

Table of Contents

| | |
|--|----|
| Application | 3 |
| Checklist | 4 |
| Sample Hearing Notice..... | 5 |
| Notifying the Neighbors | 6 |
| Adjacent Property Owners Affidavit | 7 |
| Preparing the Drawings..... | 8 |
| The Public Hearing..... | 10 |
| Non-Conforming Uses..... | 10 |

Color Codes

Blue Box **Tips For Getting It Right;
Or Answers To A Frequently Asked Question**

Red Box **Critical Information – Pay Special Attention**

Red Letters **Return This Sheet With Application**



Zoning Board of Adjustment
 McCracken County, Kentucky
 300 Clarence Gaines St
 Paducah, KY 42003
 v (270) 448-0125
 f (270) 444-4737

DO NOT WRITE IN THIS AREA

Pre-Conf Date _____

App Date _____

Hearing Date _____

CHANGE OF NON-CONFORMING USE

P L E A S E P R I N T

| | |
|------------------------------|--|
| Applicant Information | _____ Name _____ Mailing Address _____ Daytime Phone Number |
|------------------------------|--|

| | |
|---|--|
| Property Owner Information <input type="checkbox"/> Same as Above | _____ Name _____ Mailing Address _____ Daytime Phone Number |
|---|--|

| | |
|-----------------------------|--|
| Property Information | _____ Property Address _____ If Platted, Plat Book Number, Page Number Existing Zoning - <input type="checkbox"/> AG <input type="checkbox"/> RR <input type="checkbox"/> UR <input type="checkbox"/> C <input type="checkbox"/> ML <input type="checkbox"/> MH |
|-----------------------------|--|

| | | |
|--------------------------------|---|--|
| Justification Statement | <input type="checkbox"/> This is a request to allow the construction of _____. I understand that I cannot expand the scale or scope of the non-conformity. | <input type="checkbox"/> This request is to change my existing non-conforming use to another use. The existing use is _____. The proposed use is _____. |
|--------------------------------|---|--|

I hereby certify that the information contained in this application is to the best of my knowledge true and accurate.

 Signature of Applicant

 Date

RETURN THIS SHEET WITH THE COMPLETED APPLICATION

Non-Conforming Use Change Checklist

THE ZONING BOARD OF ADJUSTMENT WILL HEAR ALL APPLICATIONS WITHIN 60 DAYS FROM THE RECEIPT OF THE COMPLETED APPLICATION.

THE FOLLOWING INFORMATION MUST ACCOMPANY AN APPLICATION TO THE ZONING BOARD OF ADJUSTMENT AND IS TO BE PROVIDED BY THE APPLICANT:

- Application and justification statement. The applicant must complete the application form in its entirety. Incorrect or inaccurate information may result in dismissal of the application for a Non-Conforming Use Change.
- A copy of the latest deed or plat (plats preferred) for the property or properties involved in the request.
- The appropriate drawings showing all existing and proposed improvements on the property, with dimensions and distances to property lines, all abutting streets, and any special conditions of the property that may justify the request.
- An original copy of the legal notice published in the Paducah Sun not less than 7 or more than 21 days prior to the hearing.
- The names and mailing addresses of all adjacent property owners.
- A check for any applicable fee as listed in Section 150.111. Fee Schedule of the McCracken County Code of Ordinances.

THE FOLLOWING INFORMATION WILL BE PROVIDED TO THE APPLICANT BY THE McCracken County Administrator's Office:

- Hearing date, which will be the next applicable agenda date. *All applications will be heard within 60 days from receipt of the completed application.*
- An Application Packet with an application form, sample letters and sketches and document you will need for the hearing.

Tip -- The Process

Here Are The Simple Steps

1. Complete an application and submit a drawing to the Zoning Administrator.
2. Get a hearing date from the Zoning Administrator.
3. Advertise the hearing by placing an advertisement in the Paducah Sun.
4. Attend the public hearing and present your case.
5. Receive final approval, or denial, from the Zoning Board of Adjustment.

SAMPLE HEARING NOTICE

Notice of Public Hearing For Property Located at 125 Peoria Ave.

On Tuesday July 24, 2002 at 5:00 PM in the McCracken County Emergency Management Building at 3700 Coleman Road, Paducah, KY 42001, a public hearing will be conducted on the application of James Smith for a building addition to an existing non-conforming building on property located at 125 Peoria Ave. All interested parties may appear and be heard.

Call (270) 448-0125 for more information.

McCracken County Zoning Board of Adjustment

Tips For Running An Advertisement And Getting It Correct

The Planning office will write the ad when the application is submitted. It is the applicant's responsibility to get it to the newspaper.

This must be published at least 7 days and not more than 21 days before the hearing.

Generally you must submit this to the Paducah Sun before 12 Noon on the day before you want this published. They are located at 408 Kentucky Ave. Their FAX number is 443-7465. Their voice number is 270-575-8600. The law requires you to use the newspaper with the widest circulation -- the Paducah Sun.

You must provide an original copy of the published advertisement *prior* to the hearing.

You will be responsible for paying Paducah Sun.

Notifying the Neighbors

As required by the board, the adjacent property owners shall be notified by First Class Mail. It is your responsibility to identify the all of the adjacent property owners.

The Zoning Administrator will mail the letters.

The adjacent property owners are the property owners within 200' on either side of your property, to the rear of your property, and properties across the street qualify as "adjacent" for the purpose of the case.

You may find out who the adjacent property owners are by the following methods:

1. Visit the Property Valuation Office, located in the Court House Annex at 621 Washington Street.
2. Conduct a field survey by looking for names on mailboxes. You may have to knock on some doors.

P L E A S E P R I N T

| | Adjacent Owner Name | Property Address | Mailing Address |
|---|----------------------------|-------------------------|------------------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |

Use Another Sheet of Paper if Necessary.

RETURN THIS SHEET WITH THE COMPLETED APPLICATION

Adjacent Property Owners Affidavit

Commonwealth of Kentucky
McCracken County

This _____ Day of _____, _____
(Day) (Month) (Year)

I, _____
(Owner or Applicant)

hereby make oath that the list of adjacent property owners of all portions of the subject property, including the subject property, all property immediately across the street or road of the subject property, is a true and accurate list as submitted with the application.

(Owner or Applicant)

COMMONWEALTH OF KENTUCKY

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 200____, in
my County and State aforesaid, by the forenamed principal.

Notary Public

My Commission Expires: _____

RETURN THIS SHEET WITH THE COMPLETED APPLICATION

Preparing the Drawings

As required by the board, the applicant shall prepare a drawing that depicts the following information:

The very *easiest* thing to do is have a professional architect, engineer, or surveyor prepare the drawing. You may also want to consider legal advice. Professionals are very qualified, and they generally know what we desire. As many of the professionals have been through this before, they can often give you valuable advice for winning your case. Usually they will help represent you at the public hearing. Of course, utilizing professionals comes with a cost. It is your case and if it is critical to you economically, then you should consider professional assistance.

If you are preparing your own drawing, you should include the following information on the graphic:

1. The boundary of the subject property and the zoning and owner names and addresses for all adjoining property;
2. Date, appropriate North point, and graphic scale.
3. Drawn to a scale of one hundred (100) feet to one (1) inch or larger.
4. Location, arrangement and approximate dimensions of existing and proposed streets, roads, driveways, sidewalks, and parking areas.
5. Perimeter screening (existing and planned) and other open spaces.
6. Approximate size, location, floor area, and use of proposed and existing buildings.
7. Minimum building setback lines.
8. Floodplain as determined by Federal Emergency Management Agency, (FEMA.), and classification, as per FEMA codes – if applicable.
9. Approximate location and dimensions of storm drainage areas, conceptual drainage controls and stormwater retention – if applicable.
10. Drawings shall be submitted not larger than twenty-four (24) by thirty-six (36) inches in size. They can often be done on a standard 8 1/2 x 11 sheet of paper.

11. Owners Certificate: I certify that I am the owner, or authorized applicant, of the property shown on this sketch. The information is, to the best of my knowledge, true, correct, and an accurate representation of the existing and proposed conditions. This is not a survey or plat. This sketch is not suitable for any other purpose. The information contained has been obtained from existing records and/or in-the-field observations. I understand that I am responsible for the accuracy of the information and not McCracken County. I further acknowledge that any approvals or denials will be made, in-part, based upon the information contained hereon. McCracken County may inspect the property.

Signature

Date

Tips For Preparing An Acceptable Drawing

A sample drawing is included with this packet for you to use a guide.

You may purchase inexpensive drawing aids, such as scales and/or graph paper, at local office supply stores. Another good place to go is Paducah Blueprint, located at 999 Broadway. They have everything you will need to prepare an acceptable document.

Also readily accessible graphics programs can be found that work nicely.

SUBMIT

2

HARD COPIES WITH
THE APPLICATION

The Public Hearing

Only after a proper application is accepted by the Board, and the proper advertising is complete (neighbors notified by mail, and an advertisement placed in the paper), will a public hearing be conducted.

The meeting, conducted by the Board Chairperson, is generally an informal affair, but will be orderly. You will be asked to present your case. You should cover the following information:

1. Identify the existing zoning of the subject property.
2. Characterize the site conditions of the subject property.
3. Characterize the land uses in the general area around the subject property.
4. Present the plan. Show your drawing, and describe the future use of the property. You should describe future buildings and their use, parking, traffic flow, storm drainage controls, and any landscaping, fencing or screening.

Key Point: Remember, non-conforming uses cannot be expanded beyond their current scale, scope, and area of operation. It is your burden to show that the non-conformity is not being expanded.

As it is a public hearing, the Chairman will ask if anyone is at the meeting that wishes to comment or ask questions about the proposal. Usually someone will speak up if they think there is a problem. The public tends to ask about traffic, storm water, noise, screening, and property values. Be prepared for some give and take. Think ahead about what is really important to the project and what conditions you are willing to negotiate. The Board listens carefully to public input.

Section 150.032 – Nonconforming Uses

(A) Continuation generally. The lawful use of a building or land existing at the time of the adoption of these zoning regulations and amendments hereto may be continued, although such use does not conform to the provisions of the adopted zoning regulations, except as otherwise provided herein.

(B) Specific standards.

(1) A nonconforming use or structure existing at the time of the adoption of these zoning regulations, which was conforming at the time of its erection, may be continued in use, although such use does not conform to the provisions of such regulations.

(2) With the formal authorization of the Board of Adjustment, granted after a duly advertised public hearing and after its determination that the properties in the general vicinity will not be adversely affected by the change, an existing

nonconforming use may be changed to a new nonconforming use in the same or a more restrictive zone classification.

(3) The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation, which makes its use nonconforming, was adopted. Any proposal for an enlargement or extension of a structure or building which does not enlarge the scope or the operation shall appear before the Board of Adjustment, which may be granted after a public hearing.

(4) A building or structure, which is the subject of a nonconforming use, may be maintained and repaired.

(5) A building or structure which does not comply with the dimensional requirements of the zoning regulations may be maintained, repaired, altered, or moved, provided that every portion so enlarged or moved shall be made to conform to all the regulations of the zone in which the structure is located.

(6) A building or structure which is nonconforming, either with respect to its use or with respect to dimensional requirements on the lot where it is situated, which is damaged or destroyed by any cause to the extent of more than 75% of its value or area, shall not be repaired nor rebuilt, except in conformance with the provisions of the zoning regulations.

(7) On any lot where there is an existing principal structure which was conforming at the time it was constructed, but which had become nonconforming with respect to front, rear, or side yard requirements, and which otherwise complies with the use and dimensional requirements of the zoning regulations, an addition to that structure may be constructed which similarly does not conform to the front, rear or side yard requirements; provided the newly created nonconform is no nearer to the front, side, or rear lot line than the previously nonconforming existing structure.