

*McCracken County
Zoning Board of Adjustment*



Application Packet
For A
Conditional Use Permit

Last Update: 11/01/16

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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 | Sheets To Return With Application |
|--------------------|--|



Zoning Board of Adjustment

McCracken County, Kentucky
3700 Coleman Road
Paducah, KY 42001
v (270) 444-9163
f (270) 443-0803

DO NOT WRITE IN THIS AREA

Pre-Conf Date _____

App Date _____

Hearing Date _____

APPLICATION FOR A CONDITIONAL USE
P L E A S E P R I N T O R T Y P E

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

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

RETURN THIS SHEET WITH THE COMPLETED APPLICATION

CONDITIONAL USE PERMIT APPLICATION

2ND Page

| | |
|--------------------------------|---|
| <p>Conditional Use Request</p> | <p>This is a request to allow a conditional use in one of the following zones:</p> <p><u>AG Zone:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Private aircraft landing strip <input type="checkbox"/> Private, religious, or charitable clubs and institutions <input type="checkbox"/> Landfills <input type="checkbox"/> Skeet, trap or target shooting when located 1,320 feet or more from a residential (RR or UR) district boundary line. <p><u>RR Zone:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Private, religious, or charitable clubs and institutions <input type="checkbox"/> Nursing homes and similar facilities <input type="checkbox"/> Hospitals and medical clinics <input type="checkbox"/> Commercial kennels <input type="checkbox"/> Commercial storage facilities <p><u>UR Zone:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Private, religious, or charitable clubs <input type="checkbox"/> Home occupations as defined <input type="checkbox"/> Nursing homes <input type="checkbox"/> Nursery schools and day care centers <input type="checkbox"/> Hospitals and medical clinics <input type="checkbox"/> Commercial storage <input type="checkbox"/> Parking Lots <input type="checkbox"/> Bed and Breakfast Inn <input type="checkbox"/> Parking lots <p><u>ML Zone:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Junk or Salvage Yard |
|--------------------------------|---|

Explanation of Request:

I hereby certify that the information contained in this application, attached drawing and all other required submittals in support of this application, are to the best of my knowledge and ability true and correct.

Signature of Applicant

Date

RETURN THIS SHEET WITH THE COMPLETED APPLICATION

Conditional Use Checklist

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

THE FOLLOWING INFORMATION MUST ACCOMPANY AN APPLICATION TO THE BOARD 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 conditional use.
- A copy of the latest deed or plat 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 completed "Certificate of Land Use Restriction". A recording fee of \$16.00 is required per KRS 100.3683.
- A check for any applicable fee as listed in Section 62. Fee Schedule of the McCracken County Subdivision Regulations.

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 documents you will need for the hearing.

Tips For Getting A Conditional Use Approved

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 Board of Adjustment.

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

2. ADDRESS OF PROPERTY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. TYPE OF RESTRICTION (S)

- ___ Zoning Map Amendment to ___ Zone
- ___ Development Plan
- ___ Unrecorded Subdivision Plat
- ___ Variance
- ___ Conditional Use Permit

(Check all that apply):

- ___ Conditional Zoning Condition
- ___ Other
specify _____

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

McCracken County Zoning Administrator
3700 Coleman Road
Paducah, KY 42001

Form of Certificate per KRS 100.3683
A Recording Fee of \$16.00 shall be collected at the time application is made (KRS 100.3681 (1), (2))

Signature of Completing Official

Name and Title of Completing Official
(Type or print)

SAMPLE HEARING NOTICE

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

On Tuesday July 24, 2002 at 5:00 PM at the McCracken County Emergency Management Building, 3700 Coleman Road, Paducah, KY a public hearing will be conducted on the application of James Smith for a conditional use permit to allow a day care on property located at 125 Peoria Ave. All interested parties may appear and be heard. Call (270) 442-9163 for more information.

Paul Holland
McCracken County Zoning Board of Adjustment

**Notice of Public Hearing
For Property Located at
____(Property Address)_____**

On (Date Supplied by Zoning Administrator)_____ at 5:00 PM in the McCracken County Emergency Management Building, 3700 Coleman Road, Paducah, KY, a public hearing will be conducted on the application of (Owner Name)_____ for a conditional use permit to allow a (requested conditional use)_____ on property located at (Property Address) . All interested parties may appear and be heard. Call (270) 442-9163 for more information.

Paul Holland
McCracken County Zoning Board of Adjustment

Print One (1) time on _____(Date)_____

Send Invoice and Tear Sheet to:

Print Name

Address

City, State, Zip

Telephone Number

Tips For Running An Advertisement

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. 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.

Blank For Use To Send To Newspaper

**Notice of Public Hearing
For Property Located at**

On _____ at 5:00 PM in the McCracken County
Emergency Management Building, 3700 Coleman Road, Paducah, KY
a public hearing will be conducted on the application of _____
_____ for a conditional permit to allow a _____ on property located at
_____. All interested parties may appear and be heard.
Call (270) 442-9163 for more information.

Paul Holland
McCracken County Zoning Board of Adjustment

Print One (1) time on _____
Send Invoice and Tear Sheet to:

Print Name

Address

City, State, Zip

Telephone Number

Fax or Deliver this
sheet only to the
Paducah Sun
Classified Dept.

Fax: 270-443-4765

Voice: 270-575-8600

Location:
408 Kentucky Ave.

Notifying the Neighbors

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

The Zoning Administrator will mail the letters.

The adjacent property owners are the ones on either side of your property and to the rear of your property. In some cases, the Zoning Administrator may decide that 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, or the Backside for more space.

RETURN THIS SHEET WITH THE COMPLETED APPLICATION

Adjacent Property Owners Affidavit

Commonwealth of Kentucky
McCracken County

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

I, _____
(Owner, 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 conditional use permit application.

(Owner, Applicant)

COMMONWEALTH OF KENTUCKY

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 20____, 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 graphically depicts the property in question and shows how it will be used if the conditional use permit is approved.

Generally, many property owners can competently prepare text and graphics that are suitable for the hearing. While it is not required, the very *easiest* thing to do is have a professional architect, engineer, or surveyors 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.

The quality of the drawing should substantially depict the existing and proposed conditions. Since approvals are not guaranteed, non-essential details may be omitted as a way to spare expense. If an approval is made, one can then make the necessary investments to satisfy permit requirements. For example, we do not normally recommend that full drainage studies be commissioned prior to the hearing. The board or the ordinance may require it, but that will be at a later time.

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 24 x 36 inches in size. They can often be done on a standard 8 1/2 x 11 sheet of paper.
11. Owners Certificate (if prepared by self): 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

8

**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 Commission 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 the property. You should describe future buildings and their use, parking, traffic flow, storm drainage controls, and any landscaping, fencing or screening.

Key Point: It is your burden to show that the proposed conditional use is: 1) allowed in the zone, 2) is consistent with the spirit, purpose and intent of the zoning regulation, 3) will not substantially and permanently injure the appropriate use of neighboring property, and 4) will serve the public convenience and welfare.

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 some problem with the proposal. The neighbors tend to ask about traffic, water runoff, 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, especially those things that are legitimate and reasonable. The Board may decide to attach conditions to its approval.

Excerpt from McCracken County Zoning Ordinance

Section 34 – Conditional Uses

Generally.

Conditional uses are allowed only by specific approval of the Board of Adjustment and only in the zone in which they are listed.

- I. Application and Review Procedure
 - A. Following a public hearing and upon an affirmative finding by the Board that:
 1. The proposed conditional use is to be located in a zone wherein such use may be permitted; and
 2. The conditional use is consistent with the spirit, purpose and intent of the zoning regulations, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare; the Board shall grant the conditional use.
- II. The Board of Adjustment may approve or deny any applications for a conditional use permit. If it approves the issuance of a conditional use permit, it may attach conditions to the approval such as time limitations, requirements that one or more things be done before construction can be initiated, or conditions of a continuing nature. Any such condition shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section of the zoning regulations, or any other applicable ordinance of the County listing the conditional use under consideration.
- III. The Board of Adjustment shall have the power to revoke conditional use permits for noncompliance with the conditions thereof. Furthermore, the board shall have the right of action to compel offending structures or uses to be removed at the cost of the violator and may have judgment against that person for such cost.
- IV. The conditional use permits approved by the Board of Adjustment shall be recorded at the expense of the applicant in the office of the County Clerk.
- V. Approval of a conditional use permit does not exempt the applicant from complying with all requirements of building, housing, and other codes and regulations of the County.
- VI. In any case in which a conditional use permit has not been exercised within one year from its date of issuance, such conditional use may revert to its original zoning designation following a public hearing held by the Board of Adjustment in accordance with KRS Ch. 424. "Exercised," as set forth in this subsection, shall mean that binding contracts for the construction of the main building or other improvements have been let or, in the absence of contracts, that the principal building or other improvements are under construction to a

substantial degree, or that prerequisite conditions involving substantial investment are under contract, in development, or complete. When construction is not a part of the use, "exercised" shall mean that the user is operating in compliance with the conditions as designated in the permit.

- VII. The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once each year. The enforcement office shall have the power to inspect the land or structure where the special use is located in order to determine if the landowner is complying with all of the conditions, which are listed on the conditional use permit.
- VIII. If the landowner is not complying with all of the conditions listed on the conditional use permit, the enforcement officer shall report this fact in writing to the chairperson of the Board of Adjustment. The report of the enforcement officer shall state specifically the manner in which the landowner or occupant is not complying with the conditions on the conditional use permit. A copy of this report shall be furnished to the landowner at the same time (as nearly as is possible) it is furnished to the chairperson of the board. The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner and/or occupant at least one week prior to the hearing.
- IX. If the Board of Adjustment finds that the facts alleged in the report of the enforcement officer are true, and that the landowner and/or occupant has taken no action to comply with the conditions (as originally placed on the permit) between the date of the report and the date of the hearing, the board may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- X. Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request by the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and enter the facts which indicate that the conditions have been satisfied and the conclusions in the margin of the copy of the conditional use permit which is on file with the County Clerk; thereafter the use in question, if it continues to meet the other requirements of the zoning regulations, will be considered a permitted use.