

BOARD OF ADJUSTMENT APPLICATION

----- *To Be Completed By Administrative Official* -----

Application Number: _____ Hearing Date: _____

Date Received: _____ Action: _____

----- *To Be Completed By Applicant* -----
(Please Type or Print)

1. I, the undersigned, request a hearing before the Board of Adjustment, in regard to the following:

- Appeal Of The Zoning Administrator’s decision/Interpretation
- Change From One Nonconforming Use To Another Nonconforming Use
- Conditional Use Permit
- Variance

2. Description of request being made (indicate appropriate section or subsections of the local zoning ordinance, where applicable):

3. Reasons for request (may be attached):

4. Legal description (if applicable, may be attached):

5. Is site plan attached (if determined necessary by the administrative official) containing the applicable requirements of the local zoning ordinance?

- Yes
- No

6. Location of property: _____

7. Present Zoning: _____

8. Applicant: Name: _____
Address: _____
Phone: _____

9. Owner,
If Different
Than
Applicant Name: _____
Address: _____
Phone: _____

10. The foregoing information and attachments are true and accurate to the best of my knowledge:

Date

Applicant (Signature)

Applicant (Please Print)

Definitions:

1. "Conditional use" means a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.
2. "Conditional use permit" means legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment, consisting of two (2) parts:
 - a. A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and
 - b. A statement of the specific conditions which must be met in order for the use to be permitted.
3. "Nonconforming use or structure" means an activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.
4. "Variance" means a departure from dimensional terms of the zoning regulation pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Findings:

1. Prior to granting a change from one nonconforming use to another, the board of adjustment shall find that the new nonconforming use is in the same or more restrictive classification of use as the prior nonconforming use. In the determination of the same or more restrictive classification of use, the applicant shall establish and the board of adjustment shall find:
 - a. That the new nonconforming use shall generate less vehicular traffic (automobile and truck) than the prior nonconforming use;
 - b. That the new nonconforming use is of a nature which will emit less noise and air pollution than the prior nonconforming use;
 - c. That the new nonconforming use will be more in character with the existing neighborhood than the prior nonconforming use, in that it is more in conformance with the adopted comprehensive plan, and also, more in conformance with the uses permitted in the zone in which the use is located, than the prior nonconforming use.
2. Prior to granting a conditional use permit, the applicant shall establish and the board of adjustment shall find:
 - a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
 - b. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
3. Before any variance is granted, the board 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 the zoning regulations. 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, or in the same zone;
 - 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; and
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.