



# BOARD OF ADJUSTMENT APPLICATION

PDS One Stop Shop Communities



A Pre-Application meeting is REQUIRED prior to the submission of all Board of Adjustment applications. If you HAVE NOT attended a Pre-Application meeting, please submit your request on-line or using our downloadable form.

Once you have scheduled your Pre-Application meeting you may submit the Board of Adjustment application. This can be done on-line or using our downloadable form.

**\*\*\*Board of Adjustment services for Covington and Crestview Hills are handled by their respective city. Please contact the city directly for Board of Adjustment requests.\*\*\***

1. I, the undersigned, request a hearing before the Board of Adjustment, regarding a:

- Variance
- Appeal of The Zoning Administrator's Decision/Interpretation
- Conditional Use Permit
- Change From One Nonconforming Use To Another Nonconforming Use/Termination of Nonconforming Use or Structure

2. PROPERTY ADDRESS/LOCATION (**\*\*\*If there is no street address enter the PIDN for the property\*\*\***)

(STREET ADDRESS)

(JURISDICTION)

(ZIP CODE)

PRESENT ZONING:

3. APPLICANT INFORMATION:

(STREET ADDRESS)

(CITY)

(STATE)

(ZIP CODE)

PHONE:

EMAIL:

4. PROPERTY OWNER INFORMATION:

(STREET ADDRESS)

(CITY)

(STATE)

(ZIP CODE)

PHONE:

EMAIL:



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

6. Reasons for request (attach additional sheet if needed):

7. Is site plan attached containing the applicable requirements of the local zoning ordinance?

Yes

No

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

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Applicant (Signature)*

\_\_\_\_\_  
*Applicant (Please Print)*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Owner, if Different Than Applicant (Signature)*

\_\_\_\_\_  
*Owner, if Different Than Applicant (Please Print)*

**Board of Adjustment Application Submission Requirements**

1. **COMPLETED APPLICATION** and **Y24 application fee \$450.00 Residential or \$900.00 Non-Residential**, payable by cash, check, or credit card. Checks are made payable to Planning and Development Services (PDS). Application fees go to the legally required costs associated with application and are nonrefundable based on the outcome of the hearing.
2. **SITE PLAN** showing the following:
- The location of existing structure(s) and any proposed structure(s) or addition(s).
  - The setbacks, or distances, from all property lines from the corresponding façade of any existing or proposed structures
  - The dimensions (length, width, height) of existing and proposed structures
  - Renderings or elevations of existing or proposed structures (**optional**).
  - If LARGER than 11x17** the applicant must provide the following:
    - 8 copies of the site plan(s)
    - 1 electronic copy of the site plan(s) \*\*Can be emailed\*\*
3. **SUBMISSION LETTER** providing an overview of the project detailing:
- What is being proposed;
  - Specific details (where applicable), such as hours of operation, total staff, number of clients, number of off-street parking spaces to be provided, etc.
  - Reason for the submitted request

**\*\*SAMPLE LANGUAGE FOR SUBMISSION LETTER\*\***

**Part I** - Introduction to the project (who, what, when, and where)

**Part II** – (Why) Reasons the submitted request should be granted. This language should be oriented toward the finding of facts required to approve Board of Adjustments requests found on Page 3 of the application. Be sure to orient this language to those finding of facts required for your specific request (E.g. if you are applying for a variance, the finding of facts should be oriented towards those corresponding to variance requests and not a conditional use or change of nonconforming use).

The submission letter does not need to be overly complicated but merely state the pertinent information to your request(s).

4. **Copy of the Deed** to the property (this information can be obtained from the county clerk's office or from kcor.org. The PIDN# for the property can be found at linkgis.org).
5. **Name and Address of the Property Owners** located adjacent to the property (**APPLICABLE ONLY to Conditional Use Permit Applications**). This information can be obtained from the **Property Valuation Administration (PVA)** at their office or on the web at <http://www.kentonpva.com>



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### Additional Information

The Board of Adjustment is a body established under Kentucky Revised Statutes Chapter 100 to perform a variety of decision-making activities associated with land use regulation. Board members are local citizens who are appointed by the legislative body. Board members are from a variety of backgrounds and different neighborhoods within the community. Members serve staggered four-year terms. The responsibility of the Board of Adjustment includes: decisions on applications for zoning variances; decisions on appeals of rulings by the Zoning Administrator; decisions on applications for conditional-use permits; decisions on requests for changes to non-conforming use structures.

Approximately one week prior to the hearing, PDS will send out a staff report and recommendation, along with submitted materials provided with the application. This is an opportunity for the applicant to utilize their submission materials to present and outline the reason for their request prior to the public hearing. More information provided to staff and the board, prior to the hearing, will expedite the process and ensure a timely review of the application.

Once all applicant submission items have been compiled they can be dropped off the offices of Planning and Development Services (PDS). The address is at 1840 Simon Kenton Way, Suite 3400, Covington, Kentucky 41011. These can also be sent via email to [avidekovich@pdkc.org](mailto:avidekovich@pdkc.org)

All approved applications shall require a zoning and building permit. If an applicant or individual claims to be aggrieved or injuriously affected by the decision of the board, they may appeal the board's decision to a court of law. The appeal must be made not more than thirty (30) days from the decision of the Board.

### **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.