

*McCracken County*  
*Zoning Board of Adjustment*



Application Packet  
For A Non-Conforming  
Use Change



Available on CD and at [www.co.mccracken.ky.us](http://www.co.mccracken.ky.us)

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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**    **Return This Sheet With Application**



*Zoning Board of Adjustment*  
 McCracken County, Kentucky  
 300 South 7<sup>th</sup> Street  
 Paducah, KY 42003-1700  
 v (270) 444-1369  
 f (270) 444-4731  
 information@co.mccracken.ky.us

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	_____
	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

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

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 30 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.

**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 30 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 Courthouse, 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) 444-1369 for more information.

Paul Holland, Chairman  
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 Courthouse, a public hearing will be conducted on the application of \_\_\_(Owner Name)\_\_\_\_\_ for building addition to an existing non-conforming building on property located at \_\_\_(Property Address)\_\_\_\_. All interested parties may appear and be heard. Call (270) 444-4769 for more information.

Paul Holland, Chairman  
McCracken County Zoning Board of Adjustment

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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 And Getting It Correct***

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**

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On \_\_\_\_\_ at 5:00 PM in the McCracken County Courthouse, a public hearing will be conducted on the application of \_\_\_\_\_ for an addition to an existing non-forming building on property located at \_\_\_\_\_. All interested parties may appear and be heard. Call (270) 444-1369 for more information.

Paul Holland, Chairman  
McCracken County Planning Commission

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 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 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

	<b>Adjacent Owner Name</b>	<b>Property Address</b>	<b>Mailing Address</b>
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 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

4

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.