



BOARD OF ARCHITECTURAL REVIEW AND DEVELOPMENT APPLICATION

City of Covington – Zoning and Historic Preservation
 Department of Economic Development
 20 W. Pike St., Covington, KY 41011
 Phone: (859)-292-2122
 Email: permit@covingtonky.gov
 Website: www.covingtonky.gov

Request	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Variance	<input type="checkbox"/> Change from One Nonconforming Use to Another
	<input type="checkbox"/> Appeal	<input type="checkbox"/> Design Waiver	<input type="checkbox"/> Certificate of Appropriateness
Property Address	(Street Name)		Covington, KY (Zip Code)
Zoning District (https://linkgis.org/mapviewer/)	Property Identification Number (PIDN)		

	Applicant	Property Owner
Name/Company		
Street Address		
City, State, & Zip Code		
Phone Number		
Email Address		

Detailed Description of Reason for Request(s). Respond to the applicable criteria below. Attach additional pages if needed.

Current and Proposed Use(s) on Site (Be Specific):

No work shall be started until proper permits have been issued. Fees, apart from the sign fee, are non-refundable. All actions taken in connection with this application are based on the representations by the applicant that the submitted information and attachments are correct and accurate and the burden of proof of its correctness and accuracy is the responsibility of the applicant. The applicant is responsible for meeting all requirements of the National Electric Code and/or the Kentucky Building Code and/or the Neighborhood Development Code (NDC) and/or the Covington Historic Design Guidelines.

A public hearing may require the hiring of an attorney. Individual property owners should be present in any required public hearing. Individuals must attend the hearing with their contractor. Corporate entity property owners should hire an attorney to represent them in any required public hearing. Additionally, property owners and applicants should both be present if the two parties are not the same.

I HEREBY CERTIFY that I understand this application will not be accepted and processed until all the required information has been supplied. I also understand this application may require a site visit/additional research by staff. I hereby certify that I am the owner or Authorized Agent of this building/property and I will comply with all the applicable laws and codes and make the proposed improvement in accordance with the submitted plans and specifications. No applications will be processed without property owner(s) approval/signature.

Property Owner(s) (Signature): _____ Date: _____

Property Owner(s) (Please Print): _____

Authorized Agent (Signature): _____ Date: _____

Authorized Agent (Please Print): _____

Submission Requirements

- a. One (1) copy of this application.
- b. Names and addresses the owner of every parcel of property within one hundred fifty (150) feet in all directions from the property lines for which the conditional-use permit has been requested.
- c. \$520.00 public hearing fee for all conditional uses and also variance(s) within the industrial and commercial zoning districts; \$350.00 fee for variances within residential zoning districts.
- d. A site plan that includes the information below. You can use this website to assist in building a site plan (<https://linkgis.org/mapviewer/index.html?slayer=0&exprnum=1&research=&submit=Open+the+Map>):
 - Location of all existing and proposed easements
 - Identification of any street adjacent to the property
 - Proposed or existing septic tank, leach field or other septic system shall be shown to scale
 - Property lines with bearing and dimensions
 - Location of existing and proposed building(s) and used along with the distance from the existing and proposed building to the front and/or right of way lines, side and rear lines
 - Location of driveway, sidewalks, and other off-street parking areas as well as type of surfacing used
 - Provisions for erosion control, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction
 - Water drainage and grading lines
 - The existing and proposed topography, shown by contours with intervals not to exceed five feet. The City of Covington can produce a topography map for you. The applicant must then place (draw) the proposed structure on the topography map.

Below are the criteria for different application types summarized from the Neighborhood Development Code. For the full criteria and additional information, please view the Neighborhood Development Code at <http://online.encodeplus.com/regs/covington-ky/>.

CONDITIONAL USE PERMITS (Neighborhood Development Code [Sec. 07.23.2 Conditional Use Permit](#))

In determining whether to approve, approve with conditions, or deny a conditional use permit, the review bodies shall consider the applicable basic review criteria in [Sec. 07.20.7, Basic Review Criteria](#) and the following:

- a. The conditional use does not create an unwanted concentration of similar conditional uses that is likely to discourage permitted uses by making the vicinity less desirable for them.
- b. There is no practicable alternative location where the use is permitted by right within the general vicinity of the parcel proposed for development, or, if such a location exists, the proposed location is comparable or more favorable in terms of:
 - Providing a needed community service;
 - Providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity;
 - Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; and
 - Making more efficient use of public infrastructure.
- c. The proposed use at the particular location is convenient for the public or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood or the community.
- d. 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.

VARIANCES (Neighborhood Development Code [Sec. 07.23.4 Variance](#))

In determining whether to approve, approve with conditions, or deny a Variance, the applicable review bodies shall consider the applicable basic review criteria in [Sec. 07.20.7, Basic Review Criteria](#) and the following:

- a. The granting of the Variance will not cause a hazard or a nuisance to the public;
- b. The granting of the Variance will not allow an unreasonable circumvention of the requirements of this NDC;
- c. The requested Variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same character district;
- d. 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
- e. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought.

CHANGE FROM ONE NONCONFORMING USE TO ANOTHER (Neighborhood Development Code [Division 16 Nonconforming Uses and Elements](#))

The Board of Architectural Review and Development (BOARD) is authorized to permit a change from one nonconforming use to another if the new nonconforming use is permitted by right or permitted subject to limitations in the same character district as the previous nonconforming use, subject to the following criteria:

- a. Substitution. The Board of Architectural Review and Development (BOARD) can permit the substitution of one nonconforming use for another nonconforming use only after holding a public hearing in accordance with [Sec. 07.23.2, Conditional Use Permit](#).
- b. Conditions. In granting a substitution of nonconforming uses, the Board of Architectural Review and Development (BOARD) may attach conditions as it deems necessary and proper.
- c. Lapse. If the nonconforming use substitution has not occurred within one year after the date of approval, the approval will lapse and be of no further effect.
- d. No Transfer. The change of a nonconforming use, as may be granted by the Board of Architectural Review and Development (BOARD), applies to the property for which it is granted and not to the individual who applied, and therefore, cannot be transferred by the applicant to a different property.

APPEAL OF ADMINISTRATIVE DECISIONS (Neighborhood Development Code [Sec. 07.23.1 Appeal of Administrative Decisions](#))

An appeal may be filed, in writing, by any person or entity or his/her authorized agent claiming to be injuriously affected by official action, order, requirement, interpretation, grant, refusal, or decision of any official charged with enforcing the NDC. The written notice of appeal shall specify the grounds for the appeal. An appeal shall be taken within 30 calendar days after the appellant or his agent receives notice of the action of the official that is the subject of the appeal.

DESIGN WAIVER (Neighborhood Development Code [Sec. 07.23.6 Design Waiver](#))

In determining whether to approve, approve with conditions, or disapprove an application for a Design Waiver, the Board of Architectural Review and Development (BOARD) shall consider the applicable basic review criteria in [Sec. 07.20.7, Basic Review Criteria](#) and the following:

- a. The proposal respects the character of the context, reinforcing its identity through design that is sympathetic to the architectural context of the surrounding area in terms of massing, form, materials, texture, scale and architectural treatment;
- b. The front building elevations facing the street(s) and the overall massing of the building emphasize human scale and the pedestrian environment;
- c. The proposed building has been designed to form part of a larger composition of the surrounding area by being of similar scale, height, architectural treatment, and orientation;
- d. Building silhouettes (scale and pitch of rooflines) are consistent with the context created by nearby buildings;
- e. The proportion of windows, bays, and doorways is consistent with the context created by nearby buildings;
- f. The proposed development uses lighting and related structures as an integrated element in architectural treatment and pedestrian environment;
- g. The location and design of parking, curb cuts, driveways, and/or drive-through facilities (as applicable) minimize potential negative impacts on the pedestrian environment, both physically and visually, and maintain, to the greatest degree possible, building massing and orientation toward street frontage(s); and
- h. Ingress and egress (including [vehicular access points](#)) to parking, driveways, and/or drive-through facilities (as applicable) is designed and oriented to minimize potential negative impacts on the pedestrian environment, both physically and visually, and maintain, to the greatest degree possible, building massing and orientation toward street frontage(s).

CERTIFICATE OF APPROPRIATENESS (Neighborhood Development Code [Sec. 07.23.7 Certificate of Appropriateness](#))

Applications for a Certificate of Appropriateness that do not qualify for staff review per [Sec. 07.21.3](#) and are not otherwise exempted from review per [Sec. 07.21.3](#) require review by the Board of Architectural Review and Development (BOARD) and are subject to the provisions of this [Section](#). To approve all or part of a non-demolition application, the Board of Architectural Review and Development (BOARD) shall make a finding that the application, in whole or in part, meets at least one of the following criteria:

- a. The application is consistent with specific sections of the *Historic Covington Design Guidelines* ([Appendix A](#)) and/or applicable specific sections of the *12th Street Design Guidelines* ([Appendix B](#)), and/or specific applicable guidelines from other KRS Chapter 99 Development Plan Area guidelines; or
- b. The application meets a criterion of an economic hardship and the application establishes the minimum or maximum work, as appropriate, necessary to overcome the economic hardship and continue the viability of the resource.

To approve a demolition application, the Board of Architectural Review and Development (BOARD) shall make a finding determining at least one of the following criteria is met:

- a. The application does not involve a contributing resource; or
- b. The demolition has been ordered by a responsible public official for reasons of public health and safety; or
- c. The demolition meets a criterion of an economic hardship; or
- d. The demolition is consistent with plans or policies adopted by the Mayor and the City Commission.