

CITY OF NORTH MIDDLETOWN

ARTICLE I Enactment, Title, Purpose

1.8 DEFINITIONS

“BOARD OF ADJUSTMENT” OR “BOARD” The Joint Board of Adjustment having jurisdiction over unincorporated Bourbon County, City of Paris, and the City of North Middletown in accordance with the amended interlocal agreement for a joint planning unit.

ARTICLE IV ADMINISTRATIVE

4.2 THE BOARD OF ADJUSTMENT

4.21 *Creation and procedure.*

- A. A Joint Board of Adjustment is having jurisdiction over the City of Paris, city of North Middletown and unincorporated area of Bourbon County, hereby established to include the City of North Middletown, City of Paris, and unincorporated County, which shall consist of five (5) members two (2) appointed by the Mayor and approved by the Paris City Commission, one (1) appointed by the Mayor and approved by the North Middletown City Commission, and two (2) appointed by the Bourbon County Judge-Executive and approved by the Fiscal Court. All members shall be citizen members appointed by the legislative body, each for a period of four (4) years, and members of the Board may be removed from office by the legislative body for cause upon written charges and after public hearing. Vacancies shall be filled by the legislative body for the unexpired term of the member affected. To be eligible for appointment to the Board, a citizen must be (1) age twenty-five (25) or older; (2) a high school graduate or equivalent; (3) a Bourbon County property owner; (4) registered voter and (5) a current resident of Bourbon County for one (1) year or more. The term of office of the initial members shall be staggered as provided for in the Interlocal Agreement and in KRS 100.217(4).

(Am. Ord. 5-85, Section I, passed 3-26-85)

4.22 *Meeting of Board; quorum; minutes; bylaws.*

- A. The Board shall conduct meetings at the call of the chairperson, who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting; which notice shall contain the date, time and place for the meeting, and the subject or subjects which will be discussed.
- B. A simple majority of the total membership of the Board as established by regulation or agreement shall constitute a quorum. Any member of the Board who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself or herself from voting on the question.
- C. The Board may adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, determinations, the number of votes for and against each question, and if any member is absent or abstains from voting indicating the fact. All of the aforementioned minutes and records shall, immediately after adoption, be filed in the Bourbon County Joint Planning Office. A transcript of the minutes of the Board shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

4.23 Appeals to the Board

- A. *Procedure for all appeals to board.* Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of any zoning enforcement officer. Such appeal shall be taken in accordance with the procedures and time limitations set forth in KRS 100.261, as amended.
- B. *Public notice of appeal hearing.* The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Ch. 424, as well as written notice to the appellant and the administrative official, at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.
- C. *Stay of proceeding.* An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board after the notice of appeal is filed with him or her, that the reason of facts stated in the certificate, a stay would, in his or her opinion, cause eminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the Board or by a court of record of application, and no notice to the administrative official from whom the appeal is taken and on due cause shown.

4.24 Powers and Duties of the Board.

- A. *Conditional use permits.* (a) The Board shall have the power to hear and decide applications for conditional use permits in accordance with KRS 100.237, as amended. The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations as permissible only in specific locations in the district or only if certain conditions are met.
 - (1) Notice of the hearing shall be posted conspicuously on the property which is considered for the conditional use permit. Signage shall be posted for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows: The sign shall state "conditional use permit" and the proposed use in letters three (3) inches in height. The time, place, and date of hearing shall be in letters at least one (1) inch in height. The sign shall be constructed of durable material and shall state the telephone number of the Bourbon County Joint Planning Office. It shall be the responsibility of the applicant to post the sign, provided by the Planning Office conspicuously on the property. The administrator shall verify to the Board at the hearing that placement occurred. The Planning Office shall provide the required signage for use by the property owner. Signage shall be returned no later than five (5) days after the public hearing.
- B. *Dimensional variance.*
 - (1) The Board shall have the power to hear and decide applications for variances.

- (2) Notice of the hearing shall be given at least seven (7) days in advance of the hearing by first class mail, with certification by the Board administrator that the notice was mailed to an owner of every parcel of property adjoining the property and the proposed variance request.
 - (3) Notice of the hearing shall be posted conspicuously on the property which is considered for the dimensional variance. Signage shall be posted for seven (7) consecutive days immediately prior to the hearing. Posting shall be as follows: The sign shall state "Variance Request" in letters three (3) inches in height. The time, place, and date of hearing shall be in letters at least one (1) inch in height. The sign shall be constructed of durable material and shall state the telephone number of the Bourbon County Joint Planning Office. It shall be the responsibility of the applicant to post the sign, provided by the Planning Office conspicuously on the property. The administrator shall verify to the Board at the hearing that placement occurred. The Planning Office shall provide the required signage for use by the property owner. Signage shall be returned no later than five (5) days after the public hearing.
 - (4) When a proposed development requires one (1) or more variances, the Planning Commission may hear and finally decide applications for variances at the same hearing. The applicant for a development, at the time of the filing of the application for the development, may elect in writing to the administrative official to have any variances for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the development.
- C. *Administrative review.* The Board shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulations, under the procedure set out in Sections 80.301.A(3).
- D. *Lot of record.* Where the owner of a lot of official record, which lot at the time of the adoption on this regulation does not include sufficient land to conform to the yard and other requirements of this regulation, an application may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board.

(Am. Ord. 14-84, Section I, passed 5-29-84; Am. Ord. 18-87, passed 6-23-87; Am. Ord. 36-88, passed 8-9-88)

4.25 Compensation.

- A. The members of the Board of Adjustment shall be paid a salary of seventy-five (\$75.00) dollars per meeting that is attended.

(Am. Ord. 2014-12, passed 7-15-14)

4.3 APPEALS FROM COMMISSION OR BOARD OF ADJUSTMENT

- A. All appeals from any final action of the Planning Commission or Board of Adjustment shall conform to the requirements of KRS 100.347, as amended.