

## SECTION 7: REVIEW PROCESS

To be subject to the Historic Preservation requirements of the Zoning Ordinance and to the *Design Guidelines*, a property must have Local Historic Designation. There are two types of Local Historic Designation:

- Local Historic Sites & Districts
- Conservation Districts

Public hearings represent the desires of property owners to become so designated, and safeguard the rights of individuals.

The Bowling Green- Warren County Historic Preservation Board (HPB) requires a Certificate of Appropriateness (COA) for the following actions for Local Historic Sites and Local Historic Districts:

- Alteration of any exterior part of a structure which would alter the historic character
- New construction
- Demolition
- Relocation

The HPB requires a COA for the following actions for Conservation Districts:

- New construction
- Demolition
- Relocation

A COA is not required for exterior paint colors, landscaping, use of a property or for interior changes and alterations.

Applicant must refer to the requirements of the Zoning Ordinance in addition to these *Design Guidelines*. Where there is conflict, the stricter of the two shall prevail.

### OBTAINING A COA

#### Step 1.

Obtain application for a COA, as follows:

- Access online at [www.warrenpc.org/historicpreservationboard.htm](http://www.warrenpc.org/historicpreservationboard.htm) or,
- Pick up at the Planning Commission, 1141 State Street, Bowling Green, KY, Monday - Friday 8am to 5:00pm or,
- Vial mail by call HPB staff at (270) 842-1953, Monday - Friday 8am to 5:00 pm or,
- Via fax by calling HPB staff at (270) 842-1953, Monday - Friday 8am to 5:00 pm or,

- Delivered by HPB staff during a field visit (by prior agreement)

**Step 2.**

Fill out and submit the application and all applicable documentation to the HPB office at the Planning Commission, 1141 State Street, Bowling Green, KY 42101 in person or by mail. (Application can be sent via fax (270) 842-1282 only if documentation does not become illegible in the fax process). Applications may need additional photos, plans, specifications or other documentation as determined by staff to adequately review each application. If an application is received on the filing deadline and other documentation is needed, that application will need to be deferred until adequate documentation is received. For filing deadlines please see [www.warrenpc.org/historicpreservationboard.htm](http://www.warrenpc.org/historicpreservationboard.htm) or call (270) 842-1953.

Please note: Zoning regulations and building codes are not part of the review jurisdiction of the HPB staff and board.

**Step 3.**

Applications will be reviewed by staff or by the Board:

A.

A. BOARD REVIEW: Major applications must be reviewed by the Board. Major applications include new construction, including additions, demolitions, moves and any application that does not directly adhere to the *Design Guidelines*. Applications must be received on or prior to the application deadline day for the following scheduled hearing. The commission meets every month on the first Tuesday at 5 pm to review applications. A schedule can be found at [www.warrenpc.org/historicpreservationboard.htm](http://www.warrenpc.org/historicpreservationboard.htm) or call (270)-842-1953.

Fee: \$75

- B. STAFF REVIEW: Minor applications can be reviewed by staff and include any application that specifically follows the *Design Guidelines* and is not for new construction, including additions, demolitions or moves. There is no deadline. A COA will be issued upon approval by staff. Staff reviewed applications may be appealed to the Board.

Fee: None

#### **Step 4.**

COAs are issued to the applicant after approval and the building permit hold is lifted. Most permits are mailed to applicants within a few days of approval. A building permit may be necessary for the proposed project. COAs are not a substitute to a building permit but must be obtained before a building permit will be issued. Building Permits are issued by the Building Division of the Housing & Community Development Department at the City Hall Annex, 1017 College Street, Bowling Green, KY, (270) 393-3676.

#### **Step 5.**

Applicant may choose to appeal the decision. Staff reviewed applications may be appealed to the Board. Board reviewed applications may be appealed to Circuit Court.

### **ENFORCEMENT**

Work done without a COA, or contrary to the specification of a COA, is a violation of the Historic Preservation regulations established in Section 3.13, Local Historic Designation, in the Joint Zoning Ordinance of Warren County, KY.

Like the Building Code, the Ordinance and *Design Guidelines* are legal documents. Work done without prior review and approval by the HPB is subject to penalties.

The HPB staff regularly monitors properties with Local Historic Designation for compliance with the regulations. In addition, staff members frequently receive notice from area residents or code enforcement of possible violations. When a violation is discovered, staff determines the most appropriate course of action. Typically, the following steps are taken to reach compliance:

1. If the work is still underway, a "Stop Work Order" is issued.
2. A violation notice is mailed to the property owner. The notice cites the infraction and identifies a deadline for contacting the HPB. Once the owner or his/her representative contacts the HPB, staff provides information on how to abate the violation; a deadline is established for reaching compliance.

If the violation is not abated within the specified time frame, staff issues a citation.

## **CERTIFICATE OF ECONOMIC HARDSHIP**

In section 3.14.7 C of the zoning ordinance, an applicant requesting demolition may apply for a Certificate of Economic Hardship if the applicant feels that a denial of the demolition would prevent “reasonable beneficial use” of the property. The hardship must be unique to the applicant’s property and affect it in a particular manner but not be one that affects the historic district generally. The Certificate of Economic Hardship may not be issued in cases where the proposed action would be a substantial detriment to the public welfare or substantial derogation to the intent and purposes of Local Historic Designation.

The responsibility of proving economic hardship is on the property owner. Consideration of whether or not the current property owner caused the hardship will be a major consideration of the HPB. The owner may want to include the following records with application: 1) a copy of the current recorded deed; 2) amount paid for the property, the date of purchase and the party from whom purchased (including a description of the relationship; if any, between the owner and the person from the property was purchase); 3) the assessed value of the land and improvements thereon preferably determined by a recent appraisal(s) or if not through county tax records; 4) real estate taxes for the previous two years; 5) annual debt service, if any, for the previous two years; 6) all appraisals obtained within the previous two years by the owner or applicant in connection with purchases, financing or ownership of the property; 7) any listing of the property for sale or rent, price asked and offers receive, if any; 8) any consideration by the owner as to profitable uses of the property; 9) proof of efforts to find alternative uses for the property; 10) detailed description of what efforts have been made by the owner(s) to obtain financial assistance, tax credits, etc. that might generate funding for the needed improvements.

The Board may require at the hearing that the applicant furnish additional information relevant to the application including but not limited to the solicitation of expert testimony. The Board may request, receive, and consider studies and economic analysis from other agencies and sources including private organizations and individuals.

If the property is income-producing, an owner may also want to provide: 1) annual gross income from the property for the previous two years; 2) vacancy rates, operating expenses, financing, and current level of return.

## DEMOLITION BY NEGLECT

Section 3.14.10 C of the zoning ordinance charges that every owner of a property with Local Historic Designation shall, in accordance with all local regulations, keep in good repair:

- all of the exterior portions of such buildings or structures; and
- All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair.

The presence of one or more of the characteristic of neglect, which if not repaired could lead to deterioration of the building's structural frame or architectural integrity, shall constitute a failure to meet minimum maintenance requirements and is thus determined to be demolition by neglect. Demolition by neglect may be also be defined by those elements listed in City Code section 27-5.02 that define "Problem Structures". These issues are considered violation of city codes and the fine structure follows that of city violations.

### *Reprint of City Code 27-5.02 Problem Structures*

*In that there is a need to establish a period of time a problem structure may remain standing, the appropriate section of the International Property Maintenance Code dealing with unsafe structures and equipment is amended to add the following:*

*a. A problem structure is defined as a building or other structure that poses a nuisance or danger to the public, police department or fire department and includes, but is not limited to, the definition in the International Property Maintenance Code, as well as the following:*

*1. A building whose interior or exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of the base;*

*2. A building, exclusive of the foundation, that shows 33% or more damage or deterioration to its supporting members or 50% or more damage or deterioration to its non-supporting members or to the enclosing or outside walls or coverings;*

*3. A building having improperly distributed loads on the floors, or roofs, or in which same are overloaded or have insufficient strength to be reasonably safe to occupants or the public;*

4. *A building damaged by fire, wind or other causes so as to cause the building to become dangerous to life, limb or property of the occupants or to the public;*

5. *A building that has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease or injury to health, safety or general welfare of those living therein;*

6. *A building having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;*

7. *A building having inadequate facilities for egress in case of fire or other events, or having insufficient stairways, fire escapes or other means of travel;*

8. *A building that has parts or elements that are attached or not attached in such a way that they may fall and cause injury to persons or property;*

9. *A building characterized by disconnected utilities, extensive broken glass, peeling or flaking paint on the exterior walls, loose or rotting materials on the roof or the exterior walls; or,*

10. *Any vacant building or structure not secured from entry or the elements.*

b. *When a problem structure, not in danger of structural collapse, has been closed and secured from entry and the elements by the property owner and the structure continues to remain closed and secured from entry and the elements by approved methods, it may remain standing in a safe condition for a period not to exceed ninety (90) days from the date of the fire, or date of damage from other means, at which time an application must have been made for a building permit to repair or for a demolition permit.*

c. *Failure of the property owner to keep the structure closed and secured from entry and the elements or to obtain the required permit in the specified time shall constitute permission to an official, employee, or other authorized agent of the City to enter upon the property to remedy the situation and to abate the nuisance by demolition and removal of the problem structure.*

*(Ord. BG2003-61, 12/2/2003)*

*Review Process*

The purpose of this section of the ordinance is to prevent a person from forcing the demolition of his building by neglecting it and permitting damage to the building by weather or vandalism.

Initial identification of a potential “demolition by neglect” may be made by routine inspections by a Board or Staff Member or by referral from someone in the area. Issues of Demolition by Neglect may be discussed with the property owner and/or the City of Bowling Green may be notified about a violation of the City Code.

## **POINTS TO REMEMBER**

Free technical and design assistance are available from the staff of the HPB at any time before or during the application process. Early consultation with HPB staff is recommended. Appointments are helpful in providing the best possible service to the individual applicant.

The HPB only reviews exterior plans. Interiors are not reviewed.

Deadlines are firm. To allow for writing of recommendations, mailing packets and the Board's review of a proposal, all necessary materials must be received by the deadline. For a schedule of deadlines and meetings visit [www.warrenpc.org/historicpreservationboard.htm](http://www.warrenpc.org/historicpreservationboard.htm) or call (270) 842-1953.

The HPB maintains a library of materials on architectural history, restoration techniques and products for rehabilitation which is available to the public. Staff frequently provides recommendations to property owners for aspects of restoration which do not require a COA.

## **ABOUT THE HISTORIC PRESERVATION BOARD**

The Bowling Green-Warren County Historic Preservation Board (HPB) consists of seven members who have training, experience, and/or an interest in historic preservation. Five members are appointed by the Mayor and two by the Judge Executive and approved by the City Commission or County Fiscal Court to serve three-year terms.

Four of the seven Board members must be present at meetings to have a quorum. Established rules of order will be followed, and accurate written records of meetings shall be maintained. Board meetings must be pre-scheduled and advertised according to KRS 424.

The Board and Staff base their decisions to approve or disapprove applications on the information presented at the hearing and its conformance with the *Design Guidelines*. All applicants will receive official written notification of the Board's decision either at the meeting or by mail.