COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Wednesday, October 5, 2011	Type of Request:	New Business

Wording for the Agenda:

Discussion of staff's request for direction on whether or not to propose amendments to the Fayette County Comprehensive Plan regarding illegal nonconforming lots.

Background/History/Details:

The County requires that illegal nonconforming lots be brought into zoning compliance before building permits for principal or accessory structures can issued. In many cases, this requires the lot to be rezoned to a zoning district that it can comply with in terms of lot size, lot width, etc. A problem arises when the rezoning request does not comply with the Future Land Use Plan.

The issue of non-conforming lots has always been a difficult one for staff and the Board.

What action are you seeking from the Board of Commissioners?

Staff is seeking direction from the BOC to determine if there is an interest in developing criteria in the Comprehensive Plan text for a rezoning request involving an illegal nonconforming lot that does not comply with the Future Land Use Plan.

If this item requires funding, please describe:

Not Applicable

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?	No	Backup Provided with Request?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

To: Board of Commissioners

From: Pete Frisina

Date: September 20, 2011

Subject: Rezoning of Illegal Nonconforming Lots

The County requires that illegal nonconforming lots be brought into zoning compliance before building permits for principal or accessory structures can issued. In many cases, this requires the lot to be rezoned to a zoning district that it can comply with in terms of lot size, lot width, etc. A problem arises when the rezoning request does not comply with the Future Land Use Plan. Staff is reluctant to recommend a rezoning that does not comply with the Future Land Use Plan, as it could be used against the County in other rezoning requests. This leaves the property owner with few options. In many cases, the property owner was not involved in the creation of the illegal lot and was unaware of a problem with their lot until they applied for a building permit.

Staff is seeking direction from the Board of Commissioners to determine if there is an interest in developing criteria in the Comprehensive Plan text for a rezoning request involving the rezoning of an illegal nonconforming lot that does not comply with the Future Land Use Plan. Such criterion would give the County a basis for consideration of rezoning requests that do not comply with the Future Land Use Plan in a manner that maintains the integrity of the Future Land Use Plan.