

THE REVIEW PROCESS

Requirement for Certificate of Appropriateness

A Certificate of Appropriateness shall be required before a person may undertake the following actions affecting a landmark or a property in a historic preservation district:

1. Alteration of the exterior part of a building or structure that is visible to the public;
2. New Construction;
3. Demolition; or
4. Relocation.

A Certificate of Appropriateness is required even when the proposed work does not require a building permit. When seeking a building permit from City government for a project involving a designated property, a person must submit a Certificate of Appropriateness approving any of the work as outlined in this document. A Certificate of Appropriateness application form is available at City Hall.

Application to the Commission

A person shall be referred to the Dawson Springs Historic District Commission by the City Clerk when he wants to undertake an exterior alteration visible to the public, new construction, demolition or relocation affecting a landmark or a property in a historic preservation district. The person shall supply the Commission with the information it requests in order to reach a decision on his application for a Certificate of Appropriateness. The applicant shall provide, where applicable, drawings of the proposed work, photographs of the existing building or site and adjacent properties, and information about the building materials to be used.

Stop Work Order - Injunction

In the event work is being performed without the required Certificate of Appropriateness, the City shall issue a Stop Work Order. All work shall cease on the designated property. No additional work shall be undertaken as long as such Stop Work Order shall continue in effect. The Historic District Commissioners shall meet with the owner or tenant to resolve the problem. The City Attorney may seek in Circuit Court an injunction and any other appropriate relief in order that the intent of these Design Guidelines shall be carried out. The procedures authorized by these Design Guidelines may also be used in the event work is being performed which is not in accordance with the Certificate of Appropriateness issued by the Historic District Commission.

Action by the Dawson Springs Historic District Commission

The Historic District Commission shall hold a public hearing on each Certificate of Appropriateness within thirty (30) days after a completed application is received. The Commission shall make a decision on the application within forty-five (45) days after the receipt of a completed application provided that the Commission may extend the time for decision an additional sixty (60) days when the application is for demolition or new construction. The Commission shall approve or disapprove each application, and it shall give its reasons for its decision using the criteria contained in these guidelines. The Commission may suggest modifications to an application and may then approve a Certificate of Appropriateness providing for revisions in the plans submitted. If the Commission fails to decide on an application within the specified time period, the application shall be deemed approved.

Applicants shall be given notice of public hearings and meetings relating to their application and shall be informed of the Commission's decision. When an application has been approved, the applicant shall be given a Certificate of Appropriateness. Advertised notice of a public hearing shall be given including a conspicuous posting on the property for five (5) consecutive days immediately prior to the hearing. Notice shall also be given in a zoned publication serving Dawson Springs. The Commission may include in its application fee a charge for the cost of giving notice of the public hearing.

Criteria in Deciding on Applications

In making a decision on an application, the Commission shall use these Design Guidelines. The Commission shall consider: (1) the effect of the proposed work on the landmark or the property in the historic district upon which work is to be done; and (2) the relationship between such work and other adjacent or nearby buildings and property. In evaluating the effect and the relationship, the Commission shall consider historical and architectural significance, architectural style, design, texture, materials and color. The Certificate of Appropriateness from the Commission shall not relieve the applicant from complying with the requirements of other State and local laws and regulations.

Consultation with Applicants

Before an applicant prepares his plans, he may bring a tentative proposal to the Commission for its comments. The Commission shall be aware of the importance of finding a way to meet the current needs of the applicant. The Commission shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out.

Routine Alterations - Ordinary Maintenance

The Commission shall prepare a list of routine alterations that shall receive immediate approval from the Chairman or Vice-chairman or the Commission without a public hearing when an applicant complies with the specifications of the Design Guidelines. The list shall include repairs to doors, windows, awnings, roofs, etc. At each meeting the Commission shall be informed of the Certificates of Appropriateness that have been issued under this provision.

Ordinary repairs and maintenance may be undertaken without a Certificate of Appropriateness provided this work on a landmark or a property in a historic district does not change its exterior appearance that is visible to the public. Every person in charge of a landmark or a property in a historic district shall keep in good repair: (1) all of the exterior portions of such buildings or structures; and (2) all interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or become damaged or otherwise to fall into a state of disrepair. The purpose of this provision is to prevent a person from forcing the demolition of his building by neglecting it and by permitting damage to the building because of weather or vandalism. No provision in these Design Guidelines shall be interpreted to require an owner or tenant to undertake an alteration or to restore his building to its original appearance. The provisions of these Design Guidelines shall be in addition to the provisions of the Kentucky Building Code requiring buildings and structure to be kept in good repair.

Emergency situation

When a property is damaged by fire, storm or other unexpected event, the owner or tenant may receive approval from the Chairman or Vice Chairman of the Commission for work to be done in response to this emergency. At its next meeting the Commission shall be informed of the Certificates of Appropriateness that were issued. In situations requiring temporary action, an owner may do work in order to temporarily protect his property from further damage provided he reports this work to the Commission within two (2) business days.

In any case, where the City determines that there are emergency conditions dangerous to life, health or property affecting a landmark or property in a historic district, the City may order the remedying of these conditions without the approval of the Commission. When it is possible, the City shall consult with the Chairman or Vice-Chairman of the Commission about the action being taken. If consultation is not possible, the City shall notify the Commission of the action taken after the completion of the work.

Demolition of a landmark or a building in a Historic Preservation District

When an applicant wishes to demolish a landmark or a building or structure in a Historic Preservation District, the Commission shall negotiate with the applicant to see if an alternative to demolition can be found. The Commission may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining estimates on rehabilitation costs for the threatened building. After its public hearing, the Commission may decide that a building or structure in a Historic Preservation District may be demolished because it does not contribute to the district. On all other demolition applications, the Commission shall study the question of economic hardship for the applicant and shall determine whether the landmark or property in the Historic Preservation District can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Commission shall also determine whether the applicant can obtain a reasonable return from his building. The Commission may ask applicants for additional information to be used in making these determinations. If economic hardship or the loss of a reasonable return is not proved, the Commission shall deny the demolition application unless the Commission finds grounds to grant the demolition application as outlined in under "Criteria in Deciding on Applications".

Moving a landmark or a building or structure in a Historic Preservation District

When an applicant wishes to move a landmark or a building or structure in the Historic Preservation District or when an applicant wishes to move a building or structure to a lot containing a landmark or to a property in the Historic Preservation District, the Commission shall consider: (1) the contribution the building or structure makes to its present setting; (2) whether there are definite plans for the site to be vacated; (3) whether the building or structure can be moved without significant damage to its physical integrity; and (4) the compatibility of the building or structure to its proposed site and adjacent properties. These considerations shall be in addition to the points contained under "Criteria in Deciding on Applications".

Length of Validity of a Certificate of Appropriateness

A Certificate of Appropriateness shall remain valid for one (1) year after it is issued. Work is required to start before the end of the one year period. If the approved work has not been completed within two (2) years after the Certificate of Appropriateness was issued, the Commission shall review

the situation and may require an application for a Certificate of Appropriateness for the work that remains to be done.

Appeal of Commission's Decision

The applicant shall have a right to appeal to the Circuit Court from a decision of the Commission on an application for a Certificate of Appropriateness.

Conformity with the Certificate of Appropriateness

All work performed pursuant to a Certificate of Appropriateness shall conform to the provisions of such Certificate. It shall be the responsibility of the Zoning Administrator and the Commission to inspect from time to time any work being performed to assure such compliance. In the event work is being performed which is not in accordance with such Certificate, the City shall issue a Stop Work Order. All work shall cease in the designated property. No additional work shall be undertaken as long as such Stop Work Order shall continue in effect. The Commission shall meet with the owner or tenant to resolve the problem. The City Attorney may seek in Circuit Court an injunction and any other appropriate relief in order that the intent of these Design Guidelines shall be carried out.