



APPLICATION FOR **CONDITIONAL USE PERMIT**

BOARD OF ZONING APPEALS

*Version adopted April 4, 2024*

Name of Applicant: \_\_\_\_\_ Are you the property owner? YES NO

Applicant Address: \_\_\_\_\_

Applicant Phone No: \_\_\_\_\_ Applicant Email: \_\_\_\_\_

Name of Property Owner if Different from Applicant: \_\_\_\_\_

Address of Structure: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Was the existing structure originally used as a Permitted Use in the district? YES NO

**In order for the Conditional Use Permit to be granted, the applicant must demonstrate to the Board that all standards described on the back of this application will be met.**

In addition to this form, the following shall be submitted prior to review by the City of Elkins:

1. Application for Certificate of Zoning Compliance showing denial
2. A plan drawn to scale which shall depict the overall site layout including building location, parking area, circulation, setbacks, lighting, landscaping, screening, signage, and building location on adjacent parcels.
3. The preliminary building plans and elevations illustrating modifications and alterations including an indication of exterior materials, textures, and colors being used on the project.
4. A letter summarizing the request along with any other information deemed helpful by the applicant or necessary by the Board to explain the nature of the proposed use and its consistency with the standards outlined on the back of this application.
5. Legal Description (may be found in deed)
6. Application Fee of \$100. You will be billed separately for the cost of legal advertisement and notification posters.

I certify under penalty of perjury that the information contained in this application and its supplements are true and correct.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

The BZA shall approve an application for a conditional use permit, subject to such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit, if it finds that the following general standards have been met:

1. The use is consistent with the policies and intent of the corresponding purpose for the zoning district in which it lies and the City's comprehensive plan.
2. The use is physically and operationally compatible with the surrounding neighborhood and surrounding existing uses.
3. The use will be designed, constructed, operated, and maintained so that it does not cause substantial injury to adjoining property.
4. The use will be adequately served by public facilities and services which include but are not limited to water, sewer, electric, schools, streets, fire and police protection, storm drainage, public transit, and public parks and trails.
5. Adequate off-street parking will be provided on the same property as the proposed conditional use as well as adequate ingress and egress to the property in compliance with the standards set forth in this code.
6. Any storage of hazardous material will comply with all state, federal, and local regulations, and all such material will be listed and made known to the Chief of the City of Elkins Fire Department.
7. The use will not endanger public health or safety or constitute a public nuisance.
8. The use will not conduct operations in connection with the use which are offensive, dangerous, or destructive of the environment.

Conditions may be imposed on a proposed conditional use to ensure that potential significant adverse impacts on surrounding uses will be reduced to the maximum extent feasible, including but not limited to conditions or measures addressing:

1. Location on a site of activities that generate potential adverse impacts such as noise and glare;
2. Hours of operation and deliveries;
3. Location of loading space and delivery zones;
4. Light intensity and hours of full illumination;
5. Placement of outdoor vending machines;
6. Loitering;
7. Litter control;
8. Placement of trash receptacles;
9. On-site parking configuration and facilities;
10. On-site circulation; and
11. Privacy concerns of adjacent uses.