

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

JUN 21 2000

See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use _____ Church 689-9920
- 3. Applicant's Name Corner Stone Baptist MAX BURTON
Phone Number 606-586-8934 564-8190 Fax No. _____
Applicant's Address 3700 Petersburg Rd
Burlington Ky 41001
City State Zip
- 4. Description of Request: Remove 4' Beam ground Property
This was a cant placed on church.
- 5. Name of Development Corner Stone Baptist Church
- 6. Location of Development 3700 Petersburg Rd
- 7. Acreage Under Review 5.5
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT # 8 & 9
- 9. Owner of Property Corner Stone Baptist
Phone Number of Owner 606-586-8934 606-586-7451 564-819010
Address of Property Owner Burlington Ky 41001
City State Zip
- 11. Proposed Use(s) on Site Church Service
- 12. Total Square Footage of Existing and/or Proposed Buildings 5,760
- 13. Current Zoning on Property R.S.15
- 14. Deed Book 126 & 179 Page No. 500 & 39 Group No. 4092 & 2003
- 15. Is the site subject to a zone change? No
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? _____
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Signature] Trustee

Property Owner's Signature: [Signature] Trustee

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 6-21-00 Fee Received \$470.00 A 24654
2. Is application complete? Yes No
3. Staff Reviewer Todd Morgan
4. Scheduled Board Action Date 7-12-00
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE Meeting Minutes
AND Certificate of Land Use Restriction
7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: Cornerstone Baptist Church

LOCATION: Lots 8 and 9 of the Long Estates Subdivision, Petersburg Road, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE)

DATE: July 12, 2000

Proposal

The applicant has applied for a Conditional Use Permit to allow the removal of a berming condition that was imposed on the rear and side property lines, at the June 14, 2000 Boone County Board of Adjustment meeting.

The berming was one of seven conditions of approval that were imposed to allow a 96' x 60' church (5,760 square feet) and 62 parking spaces.

History

The original 76.7 acre Long property has gone through several subdivisions since 1993. The latest subdivision was approved in March of this year creating lots 8, 9, and 10.

Cornerstone Baptist Church applied for a Conditional Use Permit in April of this year to allow a church to be constructed on Lot 8 of the Long Estates Subdivision. The request was denied by the Boone County Board of Adjustment in May.

Cornerstone Baptist Church applied for a Conditional Use Permit in June of this year to allow a church on lots 8 and 9 of the Long Estates Subdivision (total acreage 5.5 acres). The additional lot increased the property under review from the April application by 52 percent. The Boone County Board of Adjustment approved the request with the following conditions:

1. Applicant must meet Buffer Yard B size (20') and Buffer Yard C planting specifications.
2. Applicant must provide a four foot berm along the east, west and north property lines.
3. The building must have a stone front and vinyl sides.
4. A low profile lighting system must be used in the parking lot if security lighting is required.

5. The applicant is required to submit and obtain approval of a Major Site Plan from the Planning Commission staff.
6. The parking area is to remain on the east side of the property.
7. The parking area is to be secured to deny vehicular access in times of non-use.

Conditional Use Permits

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Article 2, Section 262 and Article 9, Section 913 of the Boone County Zoning Regulations.

Article 2, Section 262

Article 2, Section 262 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the authority to grant Conditional Use Permits and may prescribe appropriate conditions and safeguards as part of the terms under which a Conditional Use Permit is granted. The Board shall consider whether or not, the intended use:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors;

7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Article 9, Section 913

Article 9, Section 913 of the Boone County Zoning Regulations lists churches, synagogues, temples and other places of religious assembly for worship within a Rural Suburban Estates (RSE) zone as a Conditional Use. The following uses and appropriate accessories subject to the approval and qualifications of the Board of adjustment and Zoning Appeals provided:

- a. the activity is an integral and subordinate function of a permitted agricultural, recreational, or residential use; or
- b. the activity will not contradict the semi-suburban, open space character of the district;
- c. require or contribute to infrastructure need above that common of the district's permitted uses;
- d. is of direct relation to and in support of the purpose of the district; and
- e. The arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Staff Comments

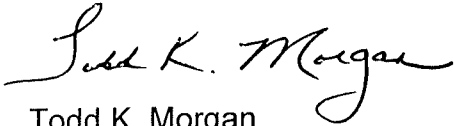
1. Logan Murphy, with Hicks & Mann, Inc., has submitted a letter which addresses problems with installing the 4' tall berm. Mr. Murphy's letter is attached to the Staff Report.
2. Staff would like to point out that a "C" Buffer Yard will still be required along the sides and rear property lines. A "C" buffer contains 8 evergreen trees and any 4 large trees/medium trees/and/or small trees from plant lists "A", "B", or "C" per 100 linear feet.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Conditional Use Permit to allow a new church to be constructed on Lot 8 of the Long Estates Subdivision, Petersburg Road,

Boone County Kentucky. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit, stated in Article 2, Section 262 of the Boone County Zoning Regulations.

Respectfully Submitted,



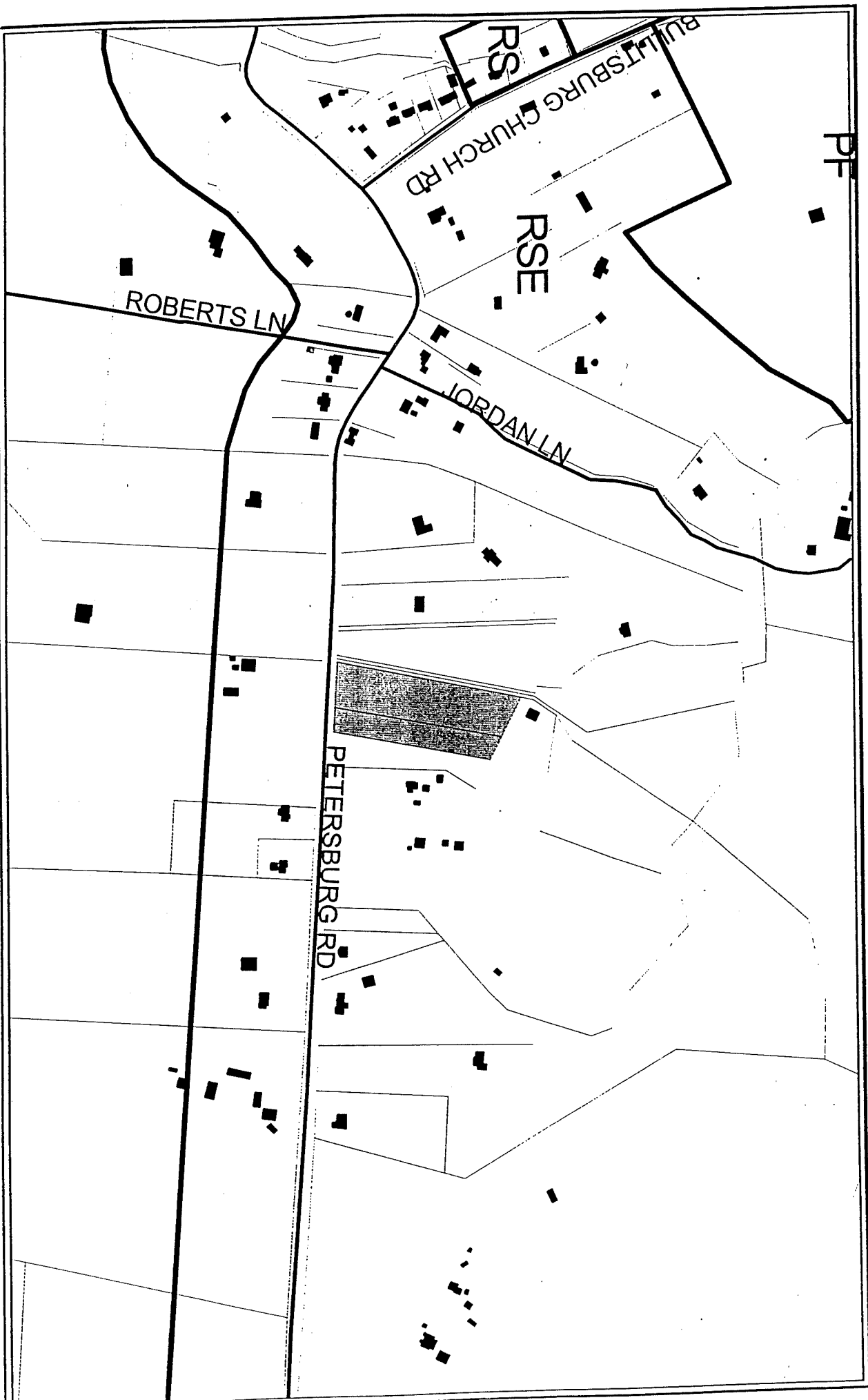
Todd K. Morgan
Planner

TKM\pr

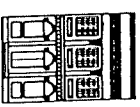
Attachments

- Zoning/Vicinity Map
- Site Plan
- Conditional Use Permit Application
- Letter from Hicks & Mann, Inc.

Zoning/Vicinity Map Cornerstone Baptist Church



1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 1, 2000



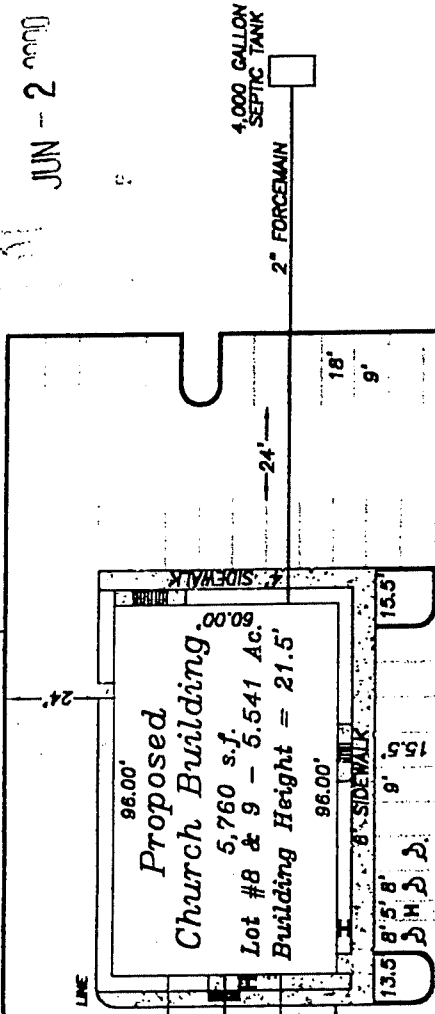
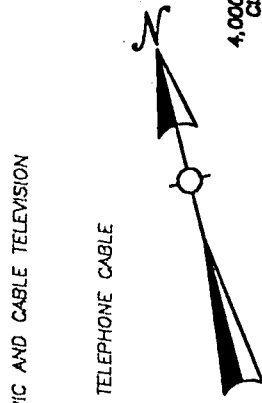
LONG ESTATES SUBDIVISION
SECTION THREE
SLIDE 263B - LOT 1
GROUP NO. 3239
ZONING: RSE

SLIDE 263B - LOT 6
GROUP NO. 3239
ZONING: RSE

N 15°15'15" E 862.80'

OVERHEAD ELECTRIC AND CABLE TELEVISION

UNDERGROUND TELEPHONE CABLE



Proposed Church Building
5,760 s.f.
Lot #8 & 9 - 5.541 Ac.
Building Height = 21.5'

4,000 GALLON SEPTIC TANK
2" FORCEMAIN

4,000 GALLON CISTERN

S 15°17'09" W 778.88'



Project Notes

1. GENERAL SITE CHARACTERISTICS:

OWNER: Cornerstone Baptist Church
C/O Bill Walzke
4951 Hand Road
Petersburg, Kentucky 41080

EXISTING - OPEN SWALES
PROPOSED - OPEN SWALES W/ DETENTION CONTROL POND

2. PROJECT DATA:

PROJECT AREA: 5.5411 ACRES
SOURCE OF TITLE: D.B. 179, PG. 39
CURRENT ZONING: RSE (RESIDENTIAL SUBURBAN ESTATES)
OF PARKING SPACES: 48 SPACES + 3 HANDICAPPED

N 15°35'20" E 730.21'

NORMA MARY LONG
DB 179, Pg. 39
GROUP NO. 2003
ZONING: RSE

JUN 21 2000

Cornerstone Baptist Church

Site Layout
Hebron, Kentucky
Boone County

Scale: 1" = 50'
Date: June 2000
Dwn By: C.A.M.
Job No.: 00-12
Sht. 1 of 1
Filename: BX11

HICKS & MANN, INC.
Consulting Engineers
Land Surveyors
Planners
P.O. Box 9
Williamstown, Ky. 41097
(606) 824-5231

UTC

OHE&CTV

UTC

OHE&CTV

UTC

OHE&CTV

UTC

25'R

57.53'

S 82°28'06" E 111.10'

25'R

OHE&CTV

Kentucky Route #20
Petersburg Road

APPLICATION FORM

BOARD OF ADJUSTMENT
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ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

E O W
JUN 21 2000

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SECTION A (To be completed by applicant)

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(Check One)
2. Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use _____

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City State Zip

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This was a Cant placed on Church.

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12. Total Square Footage of Existing and/or Proposed Buildings 5,760

13. Current Zoning on Property R.S.G

14. Deed Book 126 & 179 Page No. 300 & 39 Group No. 4092 & 2003

15. Is the site subject to a zone change? No
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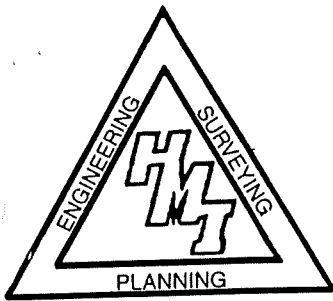
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17. Have you submitted a list of adjoining property owners with this request? _____

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Signature] Trustee

Property Owner's Signature: [Signature] Trustee



HICKS & MANN, INC.

*Consulting Engineers
Land Surveyors
Planning*

116 HUMES RIDGE ROAD
POST OFFICE BOX 9
WILLIAMSTOWN, KY 41097-0009
(606) 824-5231
FAX (606) 824-9881

June 21, 2000

JUN 21 2000

*Boone County Planning Commission
Mike Homer, Planner
2995 Washington Street
Burlington, Kentucky 41005*

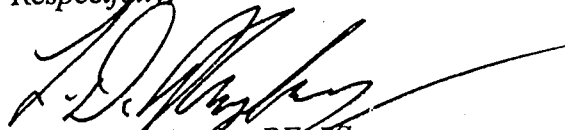
**RE: Cornerstone Baptist Church
Hebron, Ky
Project No. 00-12**

Dear Mr. Homer;

The Cornerstone Baptist Church contacted me about the restriction, the Boone County Board of Adjustments has placed upon their proposed site. The requirement in question is a 4' high berm around the perimeter of the property. The berm would cause flooding problems for both the Cornerstone property and adjacent properties. The overall topography in this area is flat with slopes ranging from 0% - 4%. Therefore it is my recommendation to the Cornerstone Baptist Church that the berm not be constructed.

If you have any questions or need additional information, please feel free to contact this office.

Respectfully,


Logan D. Murphy, PE, LS
Ky. P.E. #15898, L.S. #3316

kaf

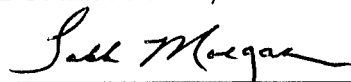
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CLUR #00-BCBOA-022-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Cornerstone Baptist Church
3900 Petersburg Road
Burlington, KY 41005
2. ADDRESS OF PROPERTY
3900 Petersburg Road
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Cornerstone Baptist Church
4. DEED BOOKS 126, 179 PAGES 300, 39 GROUP NO. 2003
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment:
From To
- Conditional Use Permit
- Development Plan Conditional Zoning
- Subdivision Plat
(Not Recorded) Other:
- Variance
6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Todd Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

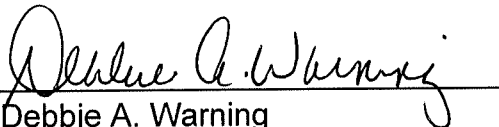
Subscribed, sworn to, and acknowledged before me by Todd Morgan on behalf of the
Boone County Planning Commission this 25 day of July, 2000.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of July 12, 2000 Certificate of Land Use Restriction (#00-BCBOA-022-A), for Cornerstone Baptist Church, Property Owner(s).

The following conditions will apply:

- 1) The four-foot berm from the original Conditional Use Permit is deleted, but on the west side of the property that abuts the Kahmann property, a six-foot high privacy fence is to be installed. The fence will start 150 feet back from the road and extend to the back parking lot.
- 2) The rear property line is to be screened with Buffer Yard C and Buffer Yard C plantings.
- 3) The fence can be removed after ten years if the plantings provide acceptable screening.
- 4) Other conditions remain as originally approved.
- 5) If the owners decide to plant along the fence line, the plantings must be installed within six months of the fence being completed.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 126, 179

PAGE NO. 300, 39

GROUP NO. 2003