

APPLICATION FORM

**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION**

See Boone County Zoning Regulations

**SECTION A** (To be completed by applicant)

- (Check One)
- Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
  - (Check One)  
 Conditional Use Permit  Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_
  - Applicant's Name CHARLES ISAACS  
Phone Number 586-7232 Fax No. NONE  
Applicant's Address 6056 LUCAS PARK DR  
Petersburg, KY 41080  
City State Zip
  - Description of Request: A 30x50 Fellowship Hall - Building  
will be used for dinners & some meetings (see bottom of  
~~plan to add on to church & remodel~~ page)
  - Name of Development Beech Grove Holiness Church Fellowship Hall
  - Location of Development 9353 Beech Grove Road Burlington  
KY 41005
  - Acreage Under Review 1/2
  - Lot Number and Name of Subdivision (if part of a subdivision)  
N/A
  - Owner of Property Beech Grove Holiness Church  
Phone Number of Owner 586-7232 (Dawn Isaacs Secretary) 10.  
Address of Property Owner Burlington Burlington KY 41005  
City State Zip
  - Proposed Use(s) on Site A Fellowship Hall - in future we plan  
to add on to church & remodel
  - Total Square Footage of Existing and/or Proposed Buildings Proposed 1500 Existing - 1617
  - Current Zoning on Property A-1
  - Deed Book 86 Page No. 369 Group No. 2052
  - Is the site subject to a zone change? NO  
If yes, give date of approval N/A
  - Have you submitted a Site Plan with this request? yes
  - Have you submitted a list of adjoining property owners with this request? yes
  - 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: Charles Isaacs

Property Owner's Signature: Dawn P. Isaacs

Also seeking Variance re (over) front T.R.  
To reduce Front Yard setback requirement

**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 10-9-01 Fee Received \$458.00 RA#29310
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No 300.00
3. Staff Reviewer \_\_\_\_\_ RA#21493
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
11-14-01 **Approved with Conditions (See #6)**  
**Approved**  
**Denial (See #7)**
6. Conditions of Approval: ① THE PROPOSED BUILDING MUST MEET A 25' FRONT YARD SETBACK ② SITE PLAN REVIEW REQUIRED ③ NO SIDEWALKS WILL BE PERMITTED BETWEEN THE NEW BLDG. AND THE ROAD
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail**

**www.boonecountyky.org**

**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: Charles Isaacs  
LOCATION: 9353 Beech Grove Road, Boone County, Kentucky  
ZONING: Agriculture (A-1)  
DATE: November 14, 2001

### Proposal

Charles Isaacs has requested a Conditional Use Permit and a Variance to allow Beech Grove Holiness Church to erect a 1,500 square foot detached fellowship hall within the front yard setback. The proposal, if approved, would allow the church to erect the new building 15 feet from the front property line. The Agriculture (A-1) zoning district requires a front yard setback of 80 feet.

### Site Characteristics

The existing parcel and church building, which are located at 9353 Beech Grove Road, Boone County, Kentucky, are legal non-conformities. The parcel is only a half an acre in size, while today's standard requires a minimum lot size of five acres. According to Boone County GIS, the existing church building is approximately 10 feet away from the front property line. The church parking lot is paved but is not striped. It also appears that some of the church parking is occurring within the county right-of-way. The portion of the parcel closest to Beech Grove Road is fairly flat, while the topography at the rear of the parcel falls off significantly (see Topographic Map).

### Applicable Regulations

Article 6, Section 613 of the Boone County Zoning Regulations permits "Churches, synagogues, temples and other places of religious assembly for worship" as a conditional use within an Agriculture (A-1) zoning district.

Article 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

Article 33, Section 3312 of the Boone County Zoning Regulations states that "all parking areas shall be striped to facilitate the movement into and out of the parking stalls."

Article 33, Section 3325 of the Boone County Zoning Regulations states that 1 parking stall is required per every 5 seats.

The Board should evaluate the applicant's request for a Conditional Use Permit as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 613 of the Boone County Zoning Regulations.

Findings listed in Section 262:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective 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 not be hazardous to existing or future neighboring uses;
4. Will be served adequately 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 such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not 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 designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 6, Section 613 of the Boone County Zoning Regulations allows churches as a conditional use in the A-1 district provided that:

- a. the activity is an integral part of the agricultural use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district;
- b. the activity is necessary to provide the specified public service for the character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and
- c. provided the arrangement of use, building, or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
  - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

- B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Public/Institutional" uses. This designation is described as "Government offices, schools, libraries, churches, cemeteries, fairgrounds, etc."

Surrounding Land Uses and Zoning

North: Single-Family Residential Dwelling (A-1)

South: Church Cemetery (A-1)

East: Beech Grove Road & Undeveloped Land (A-1)

West: Single-Family Residential Dwelling (A-1)

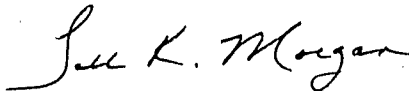
Staff Comments

1. Staff is concerned that the proposed building location could pose a hazard to motorists and church patrons because of its proximity to Beech Grove Road. The proposal places the building 15 feet from the edge of the street pavement. This is a key consideration because there is a sharp radial street curve immediately adjoining the proposed building location. Staff believes that there is a strong chance that the building could be hit by a motorist if it is located where proposed.
2. Although the variance request is an 81% reduction from the required 80' front yard setback, Staff believes that the request would not alter the essential character of the area. As mentioned earlier, the existing church building is located about 10' from the front property line. However, Staff remains concerned that the proposal could pose a hazard to the public.
3. Staff has asked the applicant to bring some photos or plans of the proposed building to the meeting so the Board can determine if the building's appearance is in character with the general vicinity.
4. The request, if approved, will need to go through Major Site Plan review before construction can proceed. The Site Plan will need to address building setbacks, street frontage landscaping, and storm water detention for the new impervious areas. A Major Site Plan must be prepared by a Kentucky registered engineer, architect, or land surveyor.

Conclusion

Sections 250, 262 and 6133 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit and Variance. It is Staff's opinion that the granting the Conditional Use and Variance could affect public safety.

Respectfully submitted,

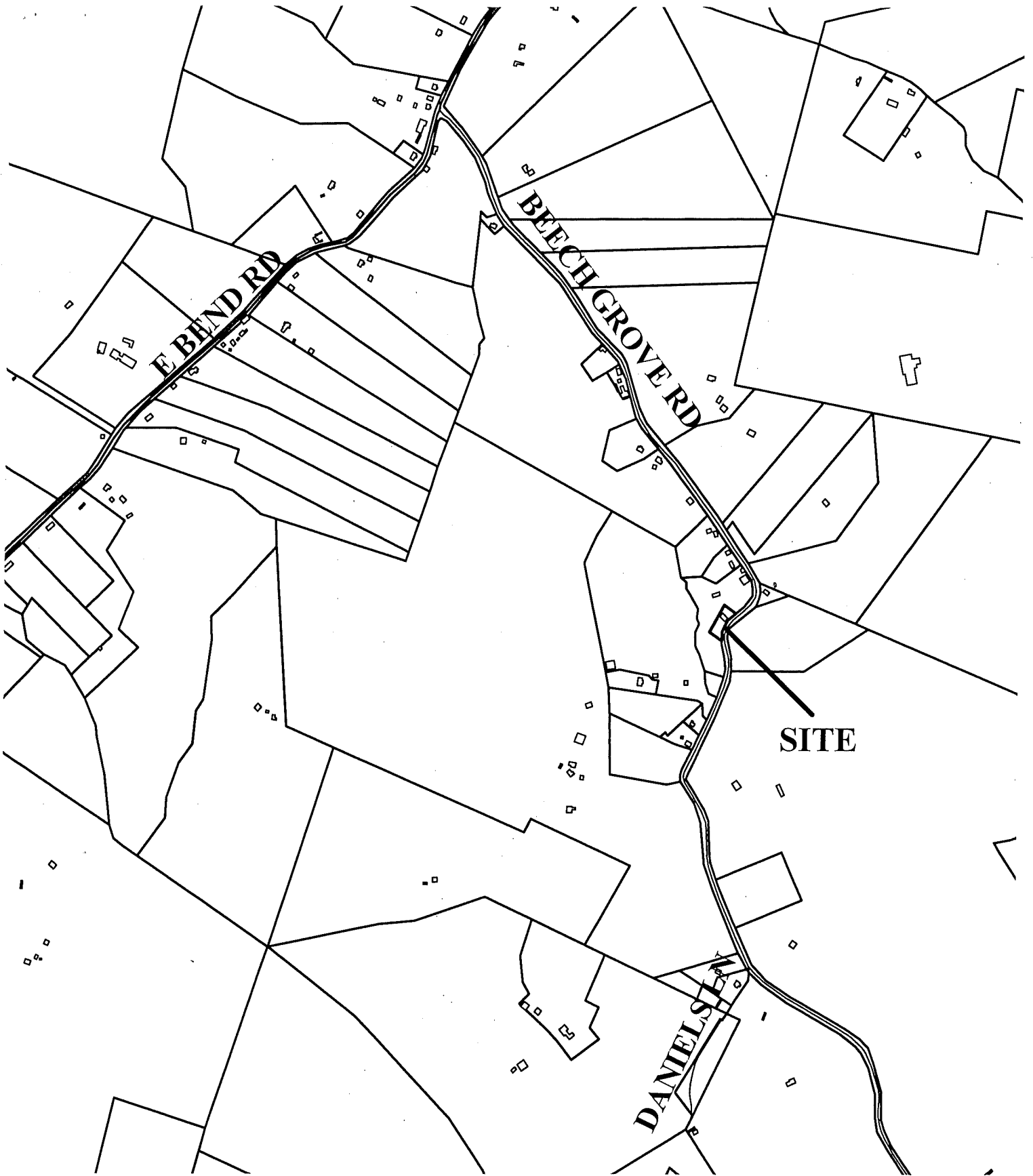


Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan
- Exhibit C – Zoning Map
- Exhibit D – Future Land Use Map
- Exhibit E – Topographical Map
- Exhibit F – Application



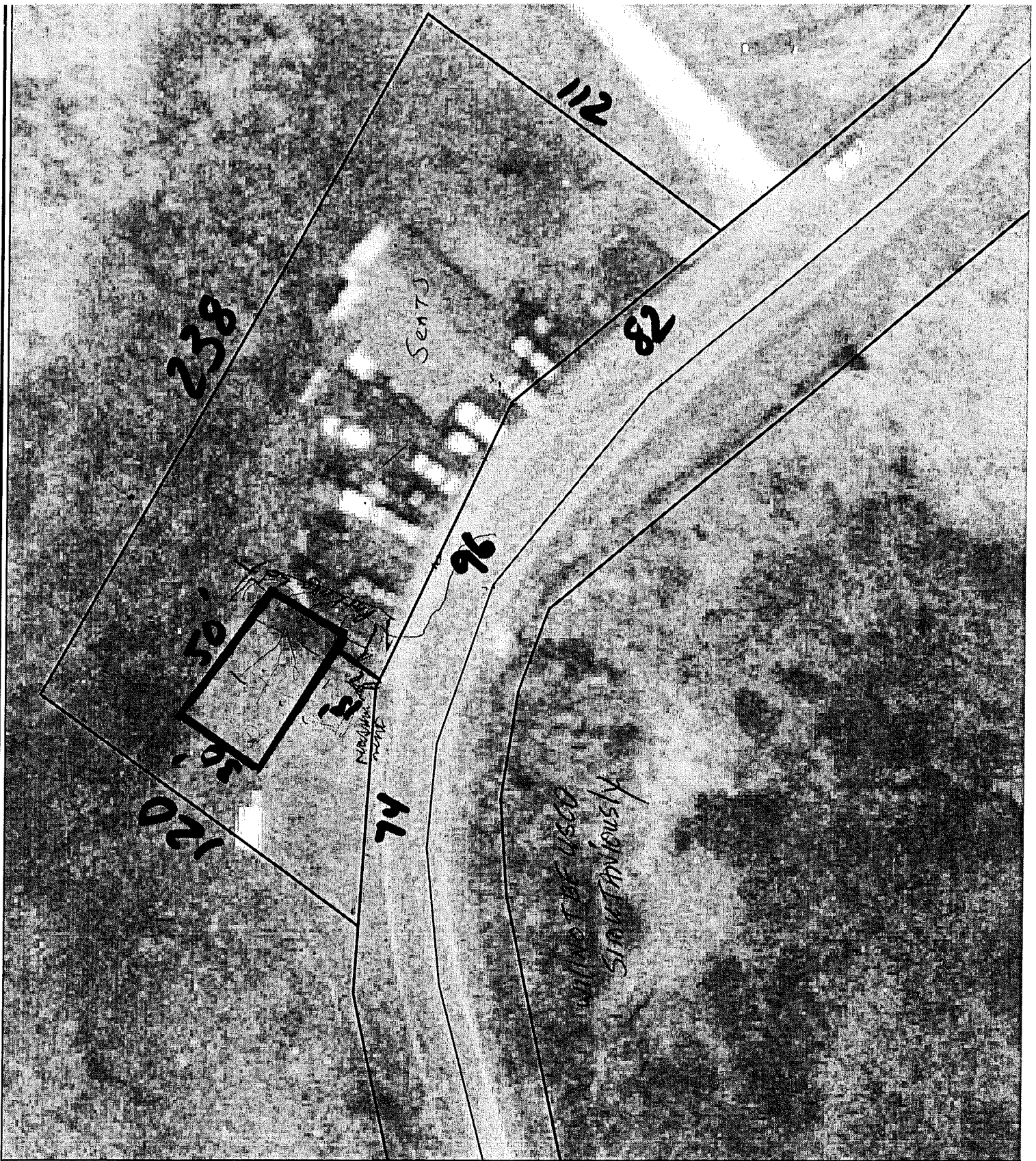
# Charles Isaacs

## Site Vicinity Map

1 inch equals 1000 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
November 8, 2001

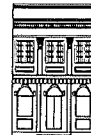


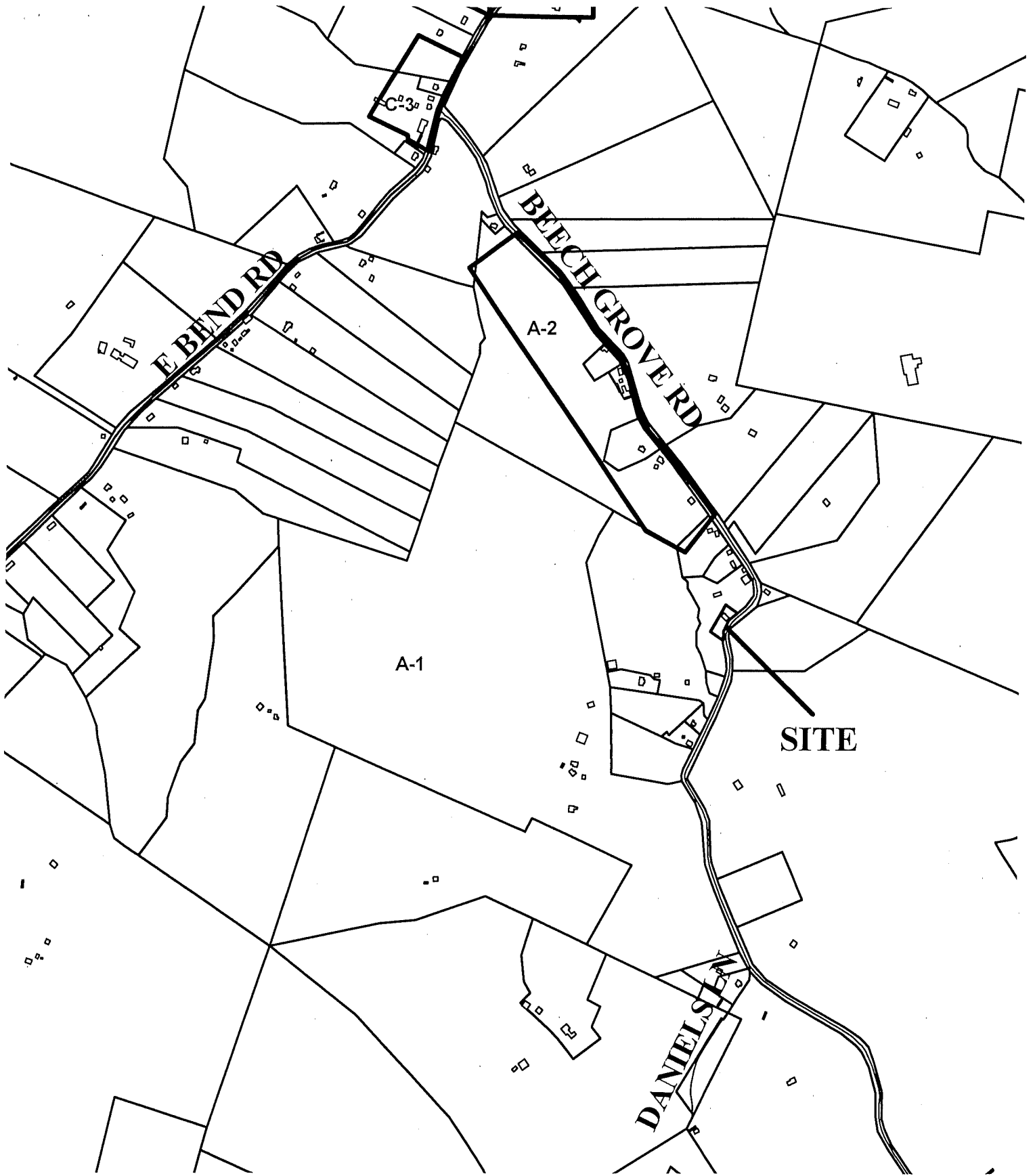


40 0 40 Feet

# Beech Grove Holiness

1 inch equals 40 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 October 18, 2001



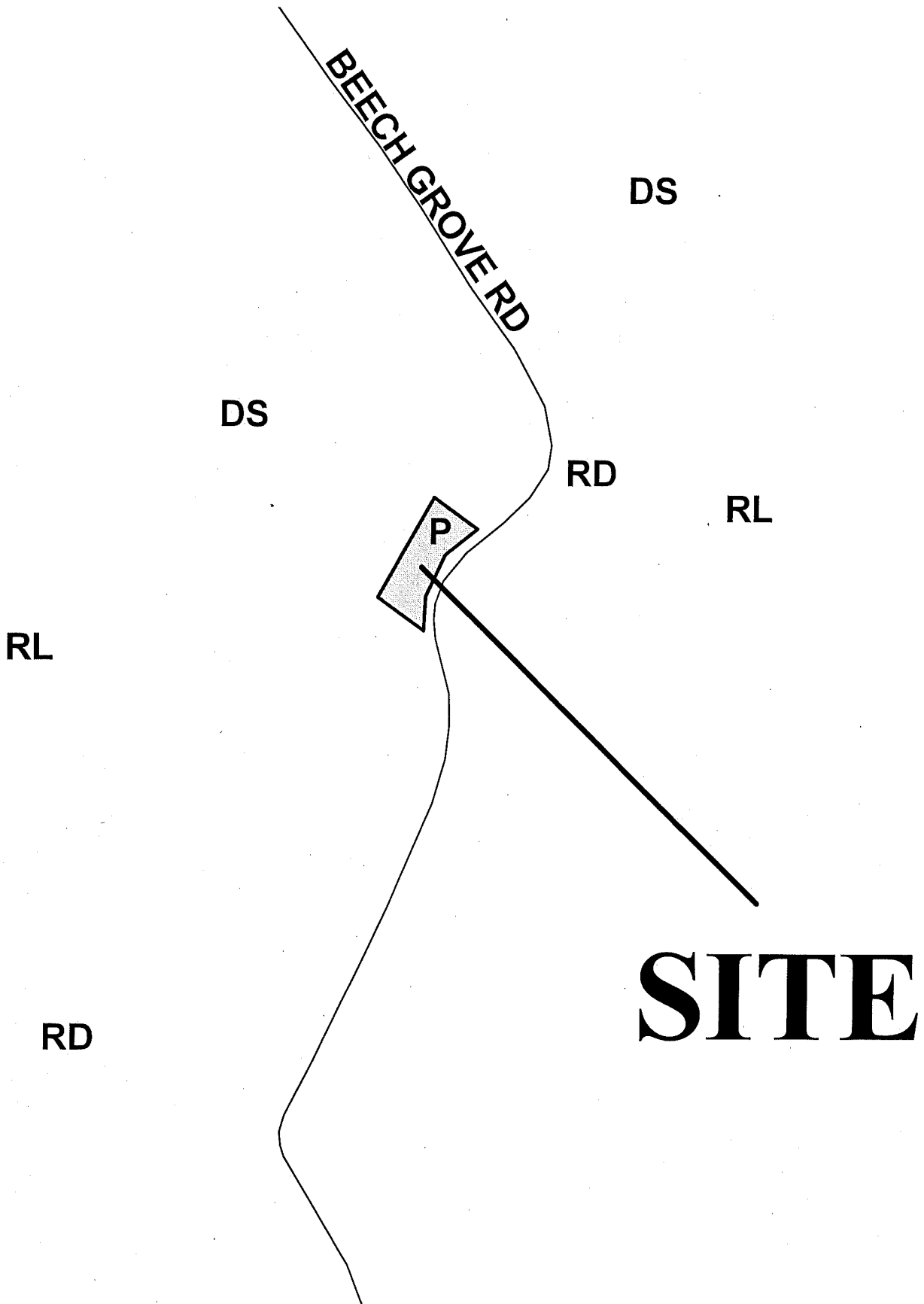


# Charles Isaacs Zoning Map

1 inch equals 1000 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
November 8, 2001





**Charles Isaacs**  
**Future Land Use Map**

1 inch equals 1000 feet

Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 November 8, 2001





# Charles Isaacs Topographical Map

1 inch equals 1000 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
November 8, 2001



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED OCT - 9 2001 BOONE COUNTY PLANNING COMMISSION

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

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name CHARLES ISAACS Phone Number 586-7232 Fax No. NONE Applicant's Address 6056 LUCAS PARK DR. PETERSBURG, KY 41080
4. Description of Request: A 30 x 50 Fellowship Hall - Building will be used for DINING & some meetings (see bottom of page)
5. Name of Development Beech Grove Holiness Church Fellowship Hall
6. Location of Development 9353 Beech Grove Road Burlington Ky 41005
7. Acreage Under Review 1/2
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Beech Grove Holiness Church Phone Number of Owner 586-7232 (DORIS ISAACS SORRY) Address of Property Owner Burlington Bowling Ky 41005
11. Proposed Use(s) on Site A Fellowship Hall - in future we plan to add on to church & remodel
12. Total Square Footage of Existing and/or Proposed Buildings Proposed 1500 EXISTING - 1617
13. Current Zoning on Property A-1
14. Deed Book 86 Page No. 369 Group No.
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? yes
17. Have you submitted a list of adjoining property owners with this request? yes
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: Charles Isaacs

Property Owner's Signature: Douglas E. Bell

Also seeking Variance (re: lower) To reduce Front Yard Setback Requirement

COPY

CLUR #01-BCBOA-029-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Beechgrove Holiness Church  
9353 Beechgrove Road  
Burlington, KY 41005
2. ADDRESS OF PROPERTY  
9353 Beechgrove Road  
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Beechgrove Holiness Church
4. DEED BOOK 86                      PAGE NO. 369                      GROUP NO. 2052
5. TYPE OF RESTRICTION(S) (Check all that apply)
- \_\_\_ Zoning Map Amendment:                      X Conditional Use Permit  
    From \_\_\_ To \_\_\_
- \_\_\_ Development Plan                                      \_\_\_ Conditional Zoning
- \_\_\_ Subdivision Plat                                      \_\_\_ Other:  
    (Not Recorded)
- X 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

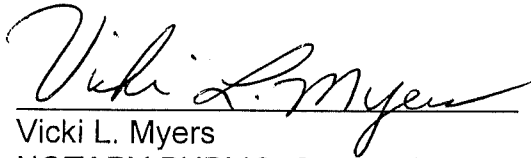
  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

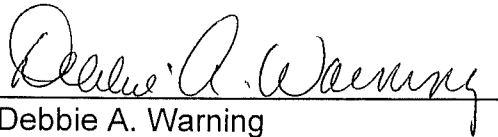
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 20 day of November, 2001.



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 and Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of November 14, 2001 Certificate of Land Use Restriction (#01-BCBOA-029-A), for Beechgrove Holiness Church, Property Owner(s).

The following conditions will apply:

- 1) The proposed building must meet a 25' front yard setback.
- 2) Site Plan Review is required.
- 3) No sidewalks will be permitted between the new building and the road.

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

DEED BOOK 86

PAGE NO. 369

GROUP NO. 2052