

No. Clerk

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED AUG 21 2004 BOONE COUNTY PLANNING COMMISSION

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

3. Applicant's Name Greenview Baptist Church
Phone Number (859) 525-6004 Fax No.
Applicant's Address 1050 Burlington Pike
Florence Ky. 41042
City State Zip

4. Description of Request: extend driveway of 1065 West Virginia Ave. connecting to parking lot of Greenview Baptist Church.

5. Name of Development Greenview Baptist Church
6. Location of Development Greenview Baptist Church and 1065 West Virginia Ave.

7. Acreage Under Review Greenview Baptist Church (approx. 3.5 acre) 1065 W. Virginia
8. Lot Number and Name of Subdivision (if part of a subdivision) (approx. 3/4) AV
Greenview Baptist Church (Lot Nos. 2-3-4) 1065 W. Virginia Ave. (Lot No. 8 acre)
9. Owner of Property Greenview Baptist Church of Greenview Sub.
Phone Number of Owner 525-6004 10.
Address of Property Owner Florence Ky. 41042
City State Zip

11. Proposed Use(s) on Site to have access to traffic light at Greenview Dr. and Burlington Pk. (Ky. 18)

12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property Greenview Baptist Church C-3 / 1065 W. Virginia Ave. S1
14. Deed Book 442 Page No. 186 Group No. 2033A

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? Concept Plan
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: Barry Forman - Trustee and Chairperson of Property & Grounds Greenview Baptist Church

Property Owner's Signature: Barry Forman - on behalf of Greenview Baptist Church

**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 8-26-01 Fee Received \$50.00 R# 25808
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions** (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: SEE 10-10-01 BCBOA
MEETING MINUTES

**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: Greenview Baptist Church
LOCATION: 1065 West Virginia Avenue, Boone County, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: September 12, 2001

Proposal

Greenview Baptist Church is requesting a Conditional Use Permit to upgrade and extend a driveway at 1065 West Virginia Avenue. The proposed 20' wide driveway would tie-in to the existing church building and parking lot, which is located at 1050 Burlington Pike, Boone County, Kentucky. The subject parcel is half an acre in size, contains a single-family dwelling and gravel driveway, and is located within a Suburban Residential One (SR-1) zoning district.

Applicable Regulations

Article 9, Section 933 of the Boone County Zoning Regulations permits "**Churches, synagogues, temples and other places of religious assembly for worship**" as a conditional use within a Suburban Residential One (SR-1) 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 30, Section 3314 of the Boone County Zoning Regulations states that "**all parking and loading areas set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust free surface.**"

Article 33, Section 3323 of the Boone County Zoning Regulations states that "**interior vehicular circulation by way of access roads shall maintain the following minimum standards. No parking is to be allowed along internal driveways. For one-way traffic the minimum width shall be fourteen (14) feet; for two-way traffic the minimum width shall be twenty (20) feet.**"

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 933 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 9, Section 933 of the Boone County Zoning Regulations allows churches as a conditional use in the SR-1 district if the proposed facility meets all the requirements:

- a. the activity is an integral and subordinate function of a permitted use; or
- b. the activity will not contradict the low density character of the district; and
- c. the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Suburban Residential" uses. This designation is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

Surrounding Land Uses and Zoning

- North: West Virginia Avenue & Single-Family Residential (SR-1)
- South: Greenview Baptist Church (C-3)
- East: Honda Dealership (C-3)
- West: Chrysler/Plymouth Dealership (C-3) & Square D Warehouse (I-1)

Staff Comments

1. The submitted hand-drawn Concept Development Plan makes it difficult to determine whether the plan will meet certain requirements of the Boone County Zoning Regulations. Staff questions if there is 20' between the house and the eastern property line and whether the proposed driveway would encroach into a leech field.
2. The Applicants have informed Staff that they submitted this request because many of the Church Members are becoming increasingly concerned about making left hand turning movements across KY 18. The driveway connection to West Virginia Avenue would allow members to use the signalized intersection at KY 18 and Greenview Drive.

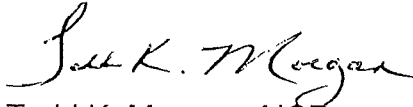
Conclusion

KRS 100.237 and Sections 260 and 933 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. It is Staff's opinion that the granting the Conditional Use Permit has merit from a public safety perspective but also has the potential to contradict the low density character of the residential neighborhood. Therefore should the Board consider approval of this request, it is recommended that the following comments should be formulated into conditions of approval:

1. The days and hours of use of the driveway need to be defined.
2. A gate needs to be installed on the church property to prevent motorists from using the connection during non-designated times.
3. The proposed driveway needs to be moved to the other side of the house and needs to be kept at the one-way standard (14'). The current configuration would have a tremendous impact on the adjoining property owner to the east and would leave no area to plant a buffer yard.

4. A Site Plan will need to be submitted to the Boone County Planning Commission.

Respectfully submitted,

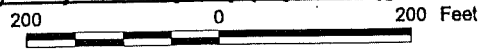
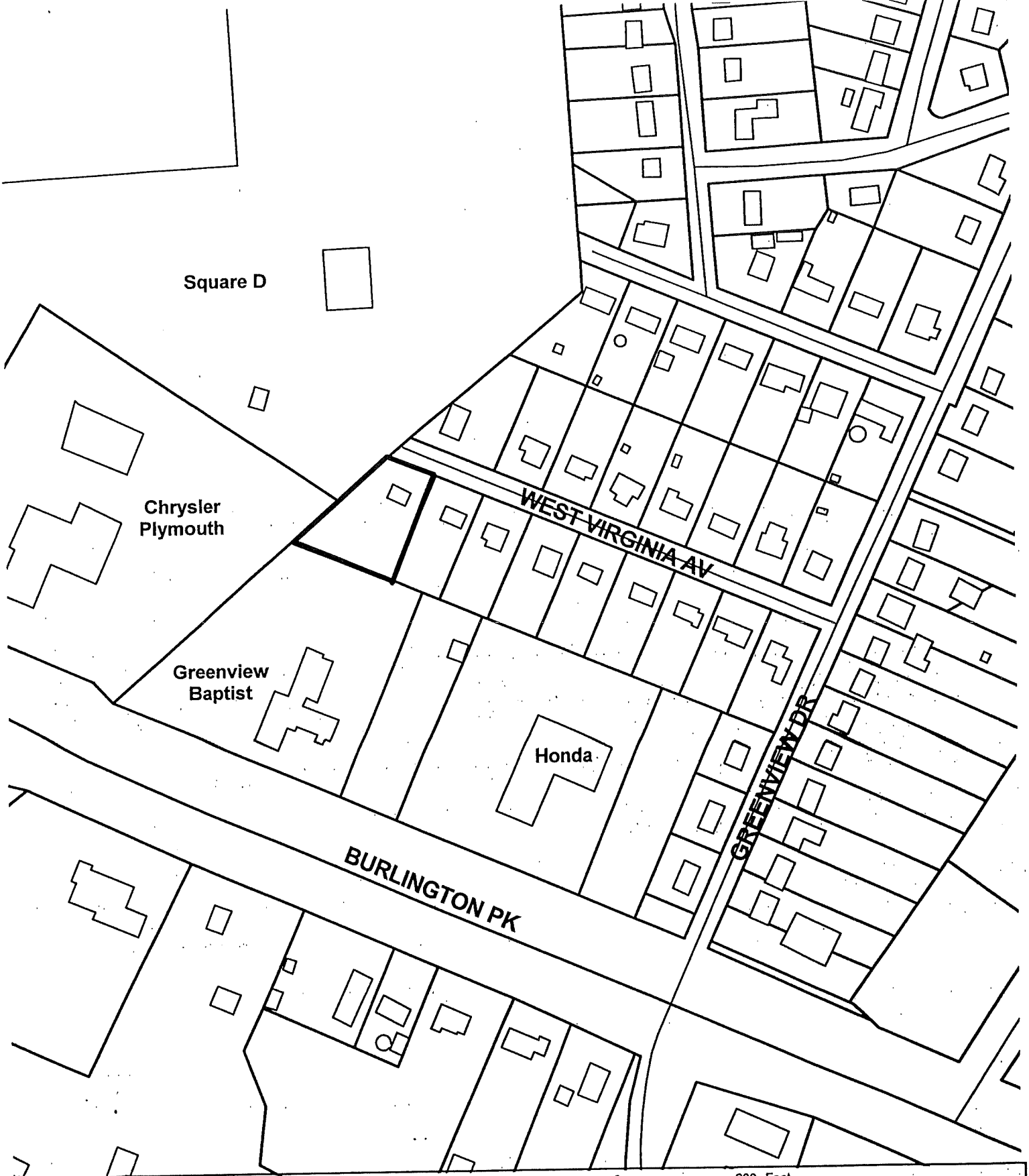


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

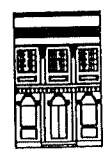
Attachments

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

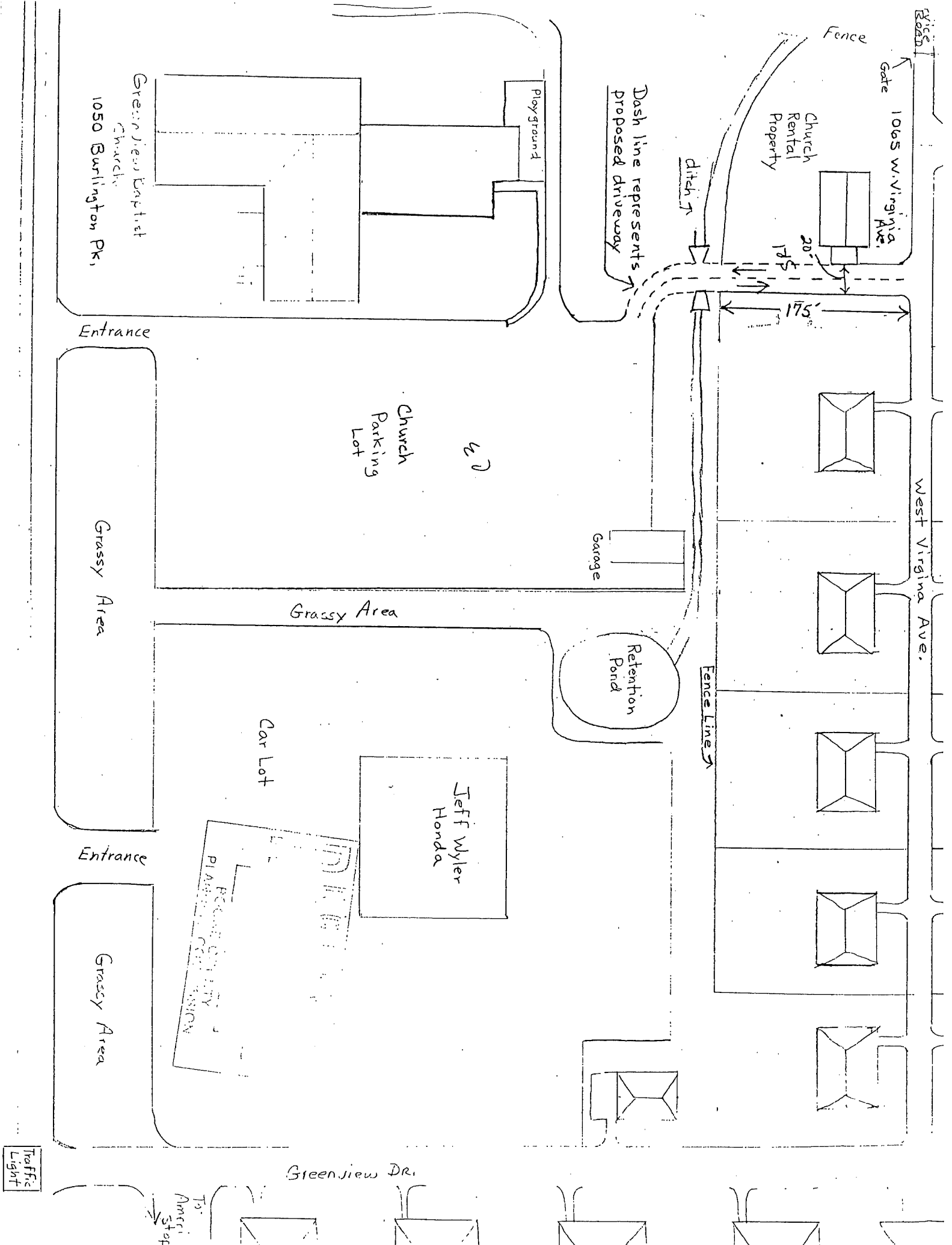


1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
September 5, 2001



Greenview Baptist Site Vicinity Map



1065 W. Virginia Ave.

Gate

Church Rental Property

Fence

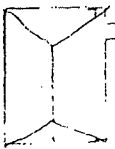
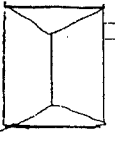
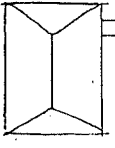
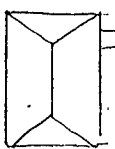
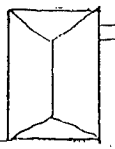
Dashed line represents proposed driveway

ditch

20'

175'

West Virginia Ave.



Garage

Retention Pond

Fence Line

Grassy Area

Church Parking Lot

u

Greenview Baptist Church
1050 Burlington Pk.

Playground

Entrance

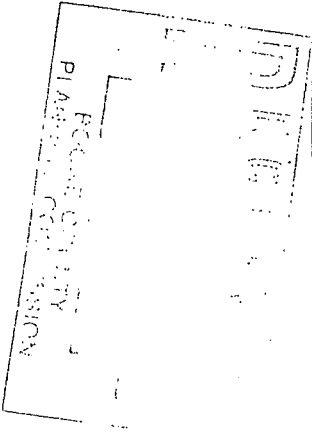
Grassy Area

Car Lot

Jeff Wylor
Honda

Entrance

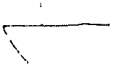
Grassy Area

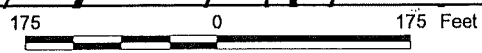


Greenview Dr.

Traffic Light

To: Ameri Stop



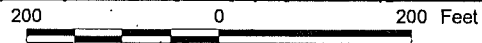
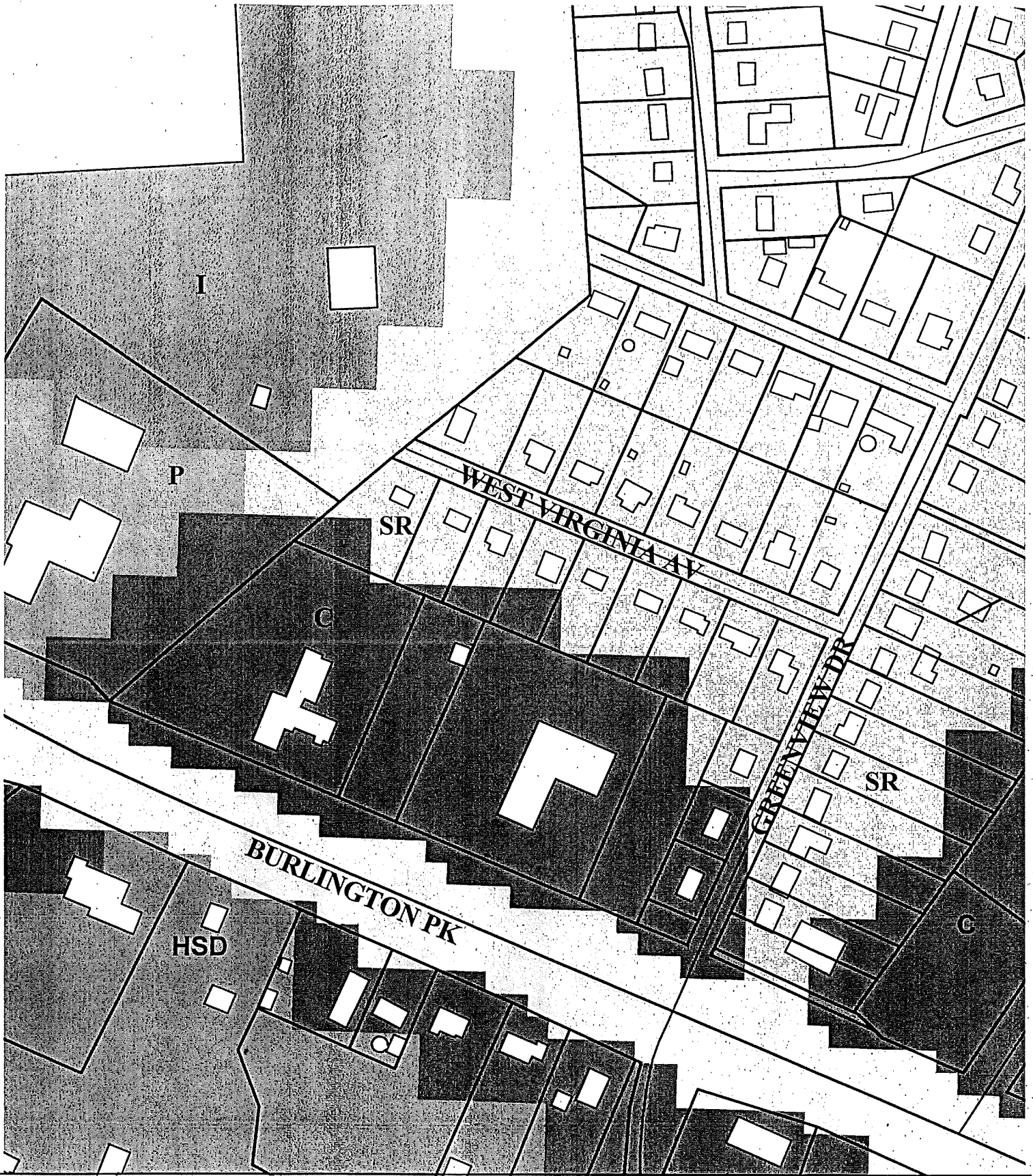


1 inch equals 175 feet

Produced by the
Boone County Planning Commission
GIS Services Division
September 5, 2001



Greenview Baptist Zoning Map

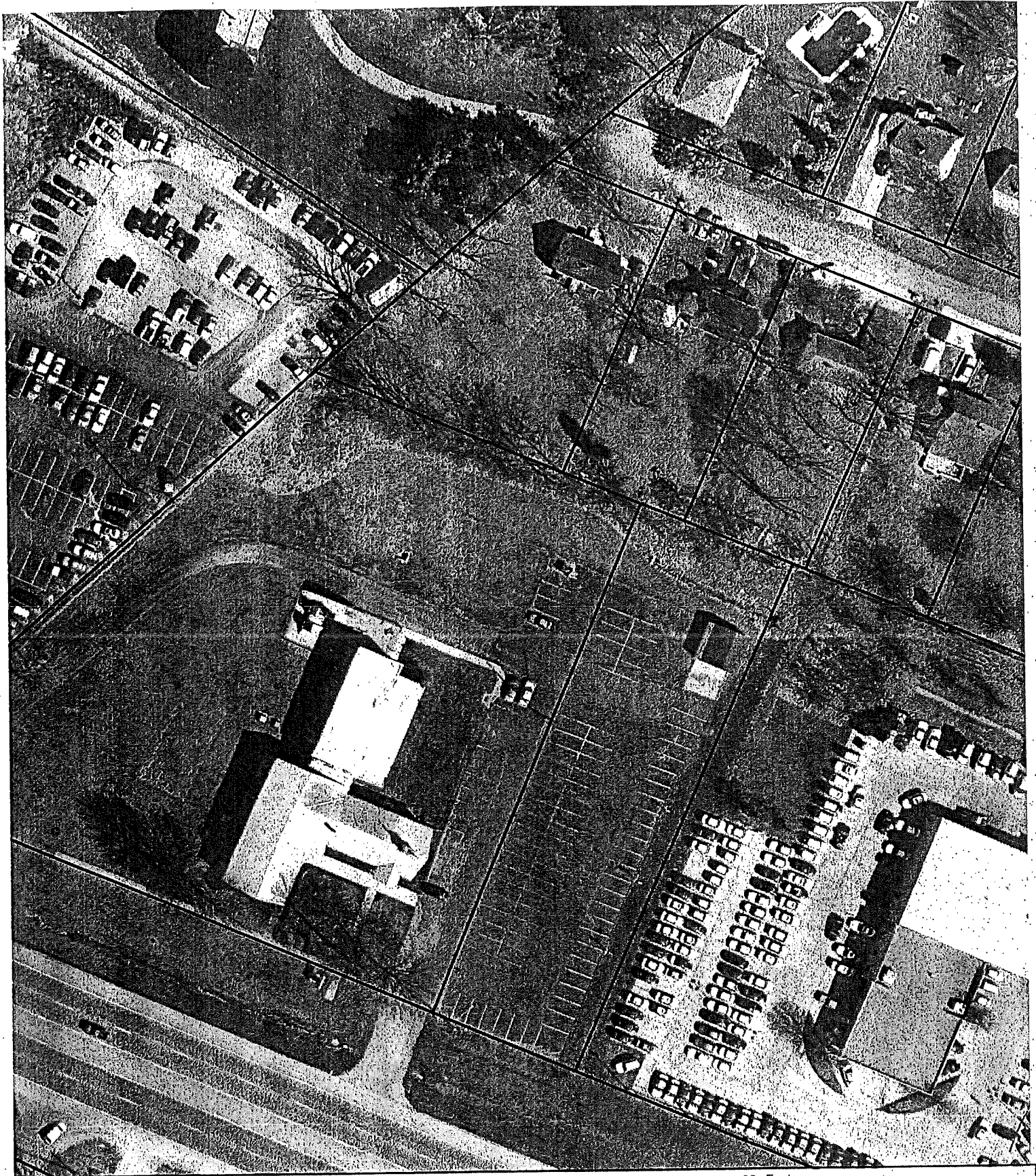


1 inch equals 200 feet

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Greenview Baptist Future Land Use Map



80 0 80 Feet



1 inch equals 80 feet

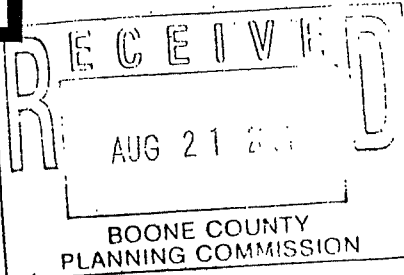
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Greenview Baptist Aerial Map

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