

09-BeBOA-011-A

RECEIVED
SEP 22 2009
BOONE COUNTY
PLANNING COMMISSION

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 New Bethel Baptist church
Phone Number 859-485-4864 Fax No. _____
Applicant's Address 2022 Verona-Mudlick Road
Verona, Kentucky 41092
City _____ State _____ Zip _____
 - Description of Request: Conditional use permit for new Family Life Center
 VARIANCE to reduce perimeter BUFFER additional parking, conversion of house to church use, picnic shelter, and relocation of curb cut.
 - Name of Development N/A
 - Location of Development Address listed above
 - Acreage Under Review 2.9185
 - Lot Number and Name of Subdivision (if part of a subdivision)
N/A
 - Owner of Property ~~XXXXXXXXXX~~ NEW BETHEL BAPTIST CHURCH
Address of Property Owner ~~XXXXXXXXXX~~ 2022 Verona-mudlick Phone No. 485-4864
VERONA KY 41092
City _____ State _____ Zip _____
 - Proposed Use(s) on Site New Family Life Center
 - Total Square Footage of Existing and/or Proposed Buildings 15,900 sf
 - Current Zoning on Property SR-1/SC + RSE
 - Deed Book See drawing Page No. See drawing Group No. ~~XXXXXXXXXX~~ 2085
 - Is the site subject to a zone change? No
If yes, give date of approval _____
 - 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.

2 ← Toni Carole Sims
2042 Verona - Mudlick Road
Verona, KY 41092
946/951

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Rev. Roger Taylor, pastor
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

9/23/09

\$350⁰⁰ R# 59511

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

1. Date Received 9/22/09 Fee Received \$782⁰⁰ R# 59496
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
Approved
10/14/09 Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 10/14/09 BCBOA MEETING
MINUTES + C.L.U.R.
7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

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: New Bethel Baptist Church

LOCATION: 2022 and 2042 Verona-Mudlick Road, Verona, Kentucky

ZONING: Suburban Residential One/Small Community Overlay (SR-1/SC) and Rural Suburban Estates (RSE)

DATE: October 14, 2009

PROPOSAL

The proposal consists of the following requests:

1. A Conditional Use Permit to allow the construction of a 9,350 square foot (110' x 85') family life center/gymnasium, 2,520 square foot (72' x 35') picnic shelter, and additional parking areas. The request also includes relocating a curb cut on Verona-Mudlick Road and temporarily converting a house into a church office or storage building. The house will be demolished before the entire parking lot is constructed. It should be noted that all the proposed improvements are located in the Suburban Residential One/Small Community Overlay (SR-1/SC) zone.
2. A Variance to reduce the following perimeter buffer yard requirements:
 - A. Reduce the street frontage landscaping buffer requirement from 10 feet to +/- 2 feet.
 - B. Reduce the landscaping buffer requirement on the western property line from 10 feet to +/- 3 feet.

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that two duties of the Board of Adjustment is to act on Conditional Use Permit and Variance applications.

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 variance requests as they relate to the criteria necessary for granting variances 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.

Section 2012 of the Boone County Zoning Regulations permits "churches" as a conditional use in the Small Community Overlay District (SC) in the following cases:

1. When the operation is locating in a building which is larger than 2,500 square feet;
2. When major exterior alterations or additions are proposed which increase the size of use or structure;
3. When the operation requires more than ten (10) parking spaces, or
4. The proposal requires the construction of a new building on a vacant lot.

The Board needs to evaluate the Conditional Use Permit request as it relates to the criteria necessary for granting Conditional Uses as stated in Sections 262 & 2012 of the Boone County Zoning Regulations.

Findings listed in Section 262 (General Standards Applicable to All Conditional Uses):

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.

Section 2012 of the Boone County Zoning Regulations allows "churches" as conditional uses in the SC district provided that:

- a. the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
- b. the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district;
- c. historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Section 3221 of the Boone County Zoning Regulations states that a proposed development is permitted one access point for each 500 feet of site frontage provided that the access points are in compliance with all applicable sections of the regulations.

Section 3223 of the Boone County Zoning Regulations states that whenever the use of a parcel changes or two or more parcels are assembled under one purpose, plan, entity, or usage the existing access points shall become void.

Section 3325 of the Boone County Zoning Regulations requires a church to provide one parking space for every three seats that can be used simultaneously.

Section 3325 of the Boone County Zoning Regulations requires a gymnasium to provide one parking space for every 200 square feet of gross floor area.

Section 3605 of the Boone County Zoning Regulations states the landscaping is required when building additions, parking areas, etc., are proposed to an existing facility and that the landscaping is required where the new improvements are proposed.

Section 3620 of the Boone County Zoning Regulations requires a minimum 10' wide street frontage landscape buffer to be installed between the front property line and the new building and parking areas.

Section 3645 of the Boone County Zoning Regulations requires a 10' wide buffer yard to be installed when a developing Small Community Overlay (SC) zoned property adjoins another SC property.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site for "Commercial" and "Suburban Residential" uses. These designations are described as follows:

Commercial - "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Suburban Residential - "single-family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The following Future Land Use Development Guidelines from the 2005 Boone County Comprehensive Plan relate to the application:

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact... (Buffering, pg. 141).
- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways... (Landscaping, pg. 141).
- C. Developments in Boone County must recognize the potential impacts of stormwater run off. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops (Stormwater Management and Erosion Control, pg. 141).
- D. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County (Design, Signs and Historic Preservation, pg 142).

SURROUNDING LAND USES & ZONING

- North: 70 Acre Farm Fronting on Walton-Verona Road (SR-1/SC, RSE, and A-2)
- South: Verona-Mudlick Road, Restaurant, Vacant Building, Barber Shop, Single-Family Residential Dwelling, Glencoe-Verona Road, Auto Service, Upholstery and Consignment Shop (SR-1/SC)
- East: Walton-Verona Road, Verona Market, Lebanon-Crittenden Road, and a Single-Family Residential Dwelling (SR-1/SC)
- West: Single-Family Dwelling (SR-1/SC and RSE)

SITE CHARACTERISTICS

The church property is approximately 2.08 acres in area and has 407 feet of frontage along Verona-Mudlick Road. The property contains an approximate 9,800 square foot church, which is constructed predominately with brick and sided gables, an approximate 360 square foot social hall, which is constructed with concrete block, a picnic shelter, striped parking areas, and a sanitary waste water treatment plant. Access to the church is provided from two curb cuts located on Verona-Mudlick Road.

The property the church is wanting to buy is located immediately to the northwest of their property and is .8068 acres in area. The property has 75.75 feet of frontage along Verona-Mudlick Road and contains a single-family residential dwelling and shed. The property is accessed from a curb cut on Verona-Mudlick Road.

STAFF COMMENTS

1. The plan shows that the building and parking additions could be constructed in three phases.
 - Phase 1 - House converted to a church office/storage use;
 - Phase 2 - Construction of Family Life Center, new picnic shelter, and 44 parking spaces. An existing curb cut is relocated on KY 14 to serve the Family Life Center.
 - Phase 3 - Demolish the church office/storage building. Construct 25 additional parking spaces.
2. The Pastor of the Church, George Naylor, has provided a letter indicating that the proposed building is a Family Life Center that will be used for multi-purpose events (similar to a gymnasium). Typically, the Family Life Center will be used in the evenings and special times during the week and will not conflict with Sunday morning services.
3. Staff would like the applicant to address the following questions:
 - A. When does the church plan on constructing the project?

- B. How will the Life Center be used? Could it be used for Sunday services, wedding receptions, dances, recreational sport leagues, etc?
- C. What is the proposed building height?
- D. Will the building have any mezzanines?
- E. What are the proposed building materials for the new picnic shelter?
- F. Is any additional parking lot lighting proposed?
- G. Has the Kentucky Transportation Cabinet reviewed the relocated curb cut?
- H. Has the Division of Water and/or Health Department reviewed the sanitary waste water treatment plant to determine if it will be adequate once the Family Life Center is constructed?
- I. Where will storm water be detained?

4. Staff has the following concerns:

- A. The applicant has not provided any architectural details for the Family Life Center or future picnic shelter. The applicant's architect, Ehmet Hayes, has provided a general statement indicating that "it is the church's intent to try to construct a new facility which will match up with the architectural language of the existing campus. It is their intent to provide brick along the front facade of the building facing KY 14."

One of the findings for granting a Conditional Use Permit in the Small Community Overlay District (SC) is that historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

- B. The proposed row of parking on the western side of the property is located about 3 feet from the property line. The adjoining property owners to the west could experience significant headlight glare and the Variance to reduce the landscape buffer from 10 feet to 3 feet doesn't allow an ample buffer to be installed.
- C. The reduction of the street frontage buffer from 10' to 2' will not allow any landscaping to be installed in front of the future parking lot. Landscaping would help soften the impact of the parking lot from KY 14.
- D. The public sidewalks in front of the house are in poor shape and are in need of repair.
- E. The use of the sanctuary and Family Life Center at the same time could create parking issues. The sanctuary can seat up to 210 people and it is unknown how many people could be seated in the Family Life Center. The parking requirement for a church is 1 parking stall for every 3 seats that can be used simultaneously.

5. Staff recommends the following conditions if the requests are approved:

A. Staff Design Review shall occur when Site Plans for the Family Life Center and picnic shelter are submitted for review. The structures shall be constructed per the following guidelines:

Family Life Center

- The front and side facades of the building shall be constructed predominately with brick. The type and amount of brick shall correlate to the existing church building.
- The front and sides of the building shall be constructed with windows and/or other architectural treatments (offset brick/decorative masonry patterns) that help break up the building facades. The number of windows and/or architectural treatments shall correlate to the existing church building.
- The building shall be constructed with a flat roof or a pitched roof (mansards are not permitted). A pitched roof design shall be constructed with a gable design and materials that match the existing church. No mechanical equipment shall be visible from the roof.

Picnic Shelter

- The picnic shelter shall be constructed with a pitched roof and shingles that match the church.

B. The building height of the Family Life Center is limited to one-story.

C. A 10' buffer (Buffer Yard A) plantings shall be required along the western property line.

D. The landscape buffer between the relocated curb cut and the western property line applicant shall have the qualitative affect of Buffer Yard A. The applicant shall approach the Kentucky Transportation Cabinet to determine if landscaping can be installed in the KY 14 right-of-way.

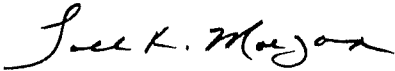
E. The public sidewalks in front of the church campus (in the KY 14 right-of-way) shall be repaired and brought up to compliance with ADA requirements.

F. A photometric plan that complies with the Boone County Zoning Regulations shall be required with the Site Plan if any additional site lighting (light poles/wall packs) is proposed. Any proposed light poles shall be limited to 20' in height. Light poles near the western property line shall be equipped with cut-off shield to prevent glare issues on the adjoining property owners.

Conclusion

KRS 100.237 and 100.241 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

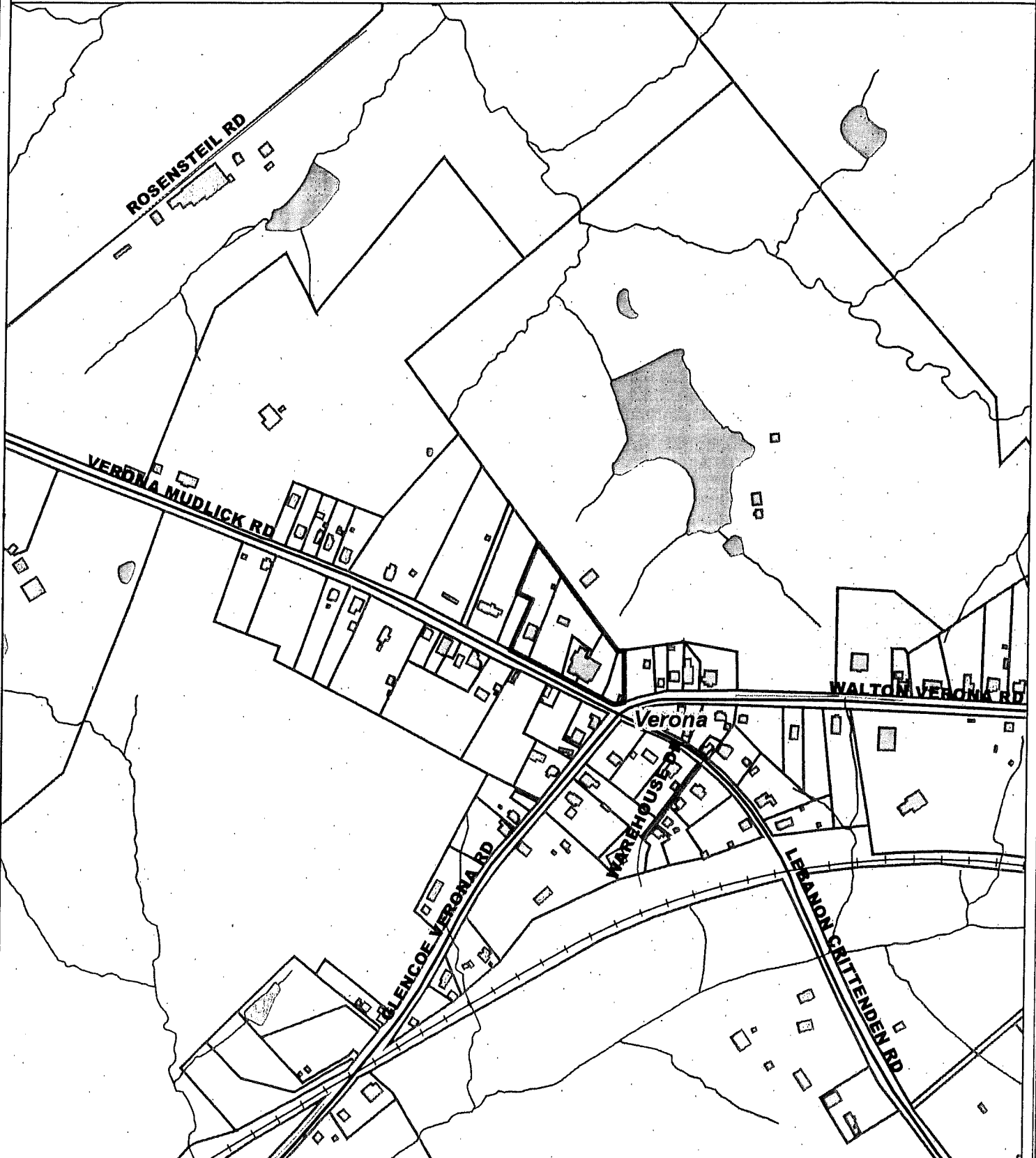
TKM/pr

Attachments

- *Site Vicinity Map
- *Conceptual Site Plan
- *Letter from Ehmet Hayes
- *Letter from George Naylor
- *2007 Aerial Map
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *Application

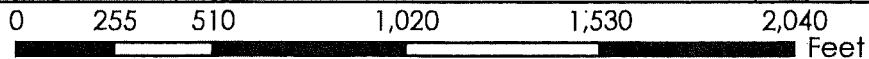
SITE VICINITY MAP

www.boonecountygis.com



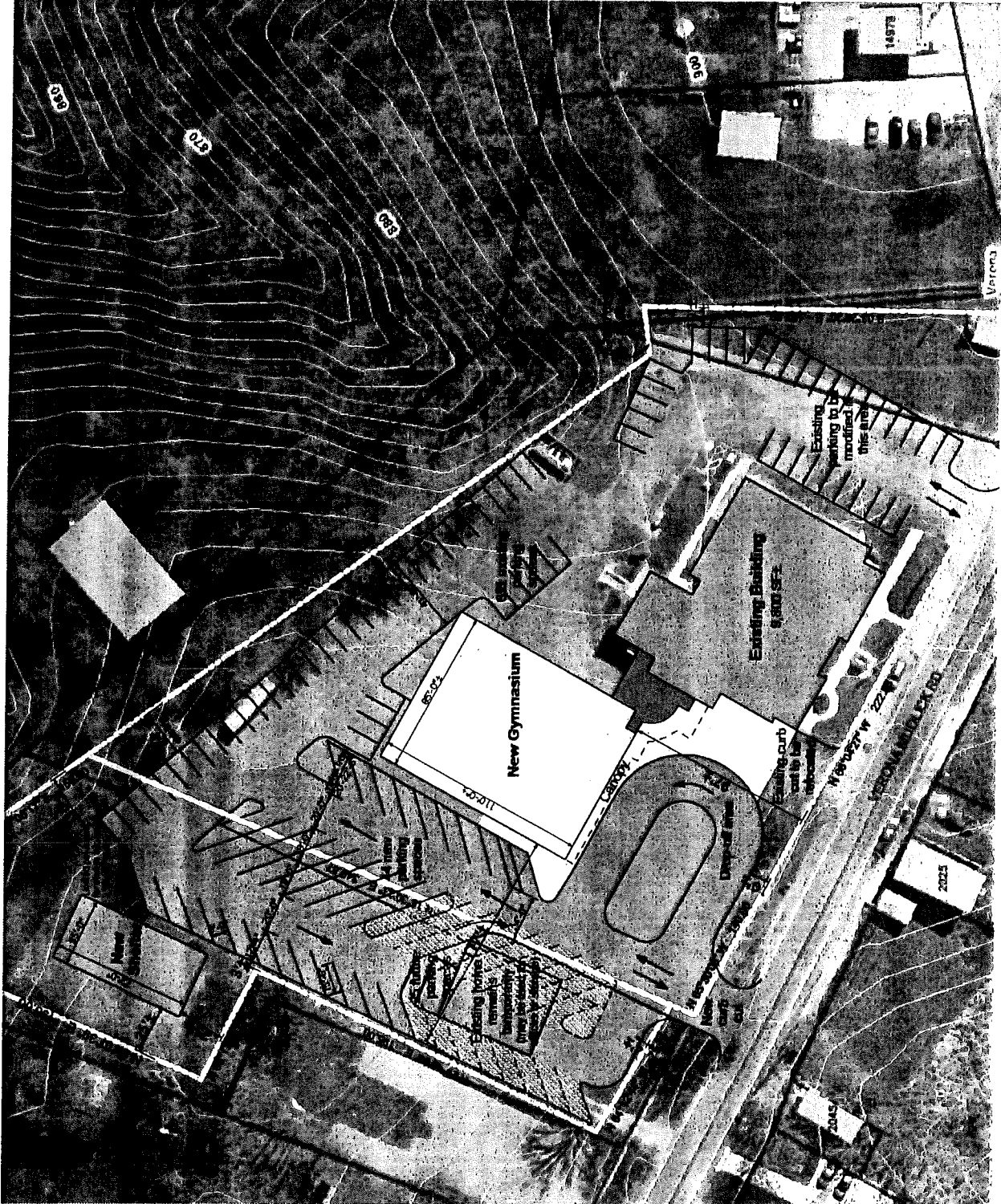
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Boone County GIS - Putting Northern Kentucky on the Map





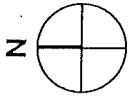
Parking Summary:

Current Existing Parking - 87±
 Church Worship Area - 4,934 SF ± (210 seats)
 70 cars required (1 car/3 seats)
 Church Non-worship Area - 4,875 SF ±
 17 cars required (1 car/300 gfa.)
 Lobby - 822 SF±
 3 cars required (1 car/300 gfa.)
 Gymnasium/Life Building- 9,350 SF±
 47 cars required (1 car/200 gfa.)

Total Parking Required for Church Worship - 90 cars
 Total Parking Required for Gym/Life Bldg - 47 cars
 (Church Worship and Gymnasium Activities will not be happening simultaneously)
 Existing parking to remain - 65 cars±
 New parking - 44 cars
 Total provided - 109±

Future Parking - 25 cars
 Future Total Parking - 134 cars

— GIS Property Line
 - - - Actual Property Line



New Bethel Baptist Church
 Preliminary Site Plan:
 Strategy A



10-05-09

ROBERT EHMET HAYES & ASSOCIATES, PLLC

2512 DIXIE HIGHWAY, COVINGTON (Ft. Mitchell), KENTUCKY 41017-3094

ARCHITECTS

859-331-3121

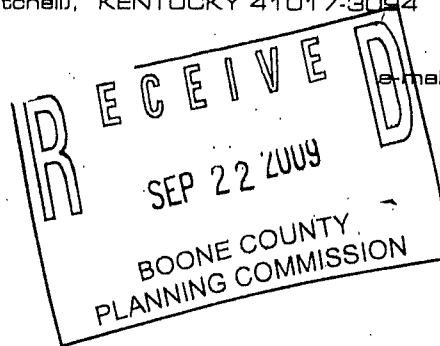
Fax: 859-331-3332

e-mail: reharchitects@fuse.net

September 18, 2009

VIA USPS

Mr. Todd Morgan, Senior Planner
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005



ROBERT EHMET HAYES
MICHAEL BRENT BISHOP
R. EHMET HAYES
JOSEPH AHRENS HAYES
RYAN THOMAS FICKE

Re: New Bethel Baptist Church – New Multi-Purpose Building
REH #329-708

Dear Todd:

I appreciate you meeting with us earlier this week for a cursory review of the additional property and conditional use permit request by the New Bethel Baptist Church.

Enclosed are the necessary fees and application requirements that we talked about. If there is anything additional required, please do not hesitate to let us know in advance of the hearing scheduled for October 14, 2009.

I have also enclosed six photographs of the existing building for your reference. It is the Church's intent to try to construct a new facility which will match up with the architectural language of the existing campus. It is their intent to provide brick along the front facade of the building facing KY 14. I have also enclosed a photograph showing westbound KY 14 to illustrate the long sight distances which should eliminate any concerns regarding the relocated curb cut.

Within the next week, I will be contacting the Kentucky Department of Transportation to verify that they are okay with this requested adjustment.

If there is anything else, please do not hesitate to call.

Best regards,


Emet Hayes

EH:lms

Enclosures

c: Dennis Rich – with enclosures

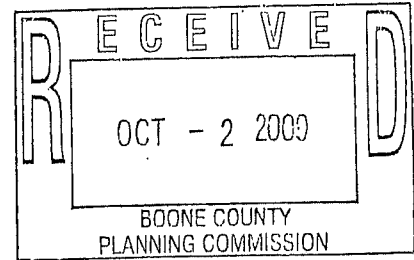
New Bethel Baptist Church

Po Box 100
2022 Verona-Mudlick Road
Verona, KY 41092

September 29, 2009

VIA USPS

Mr. Todd Morgan, Senior Planner
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005



Re: New Bethel Baptist Church – New Multi-Purpose Building
REH #329-708

Dear Mr. Morgan:

As part of our application I was asked to provide some narrative as to how the church campus will be used and how the new addition will phase into our current church operations. Our current church worship area seats a maximum of 210. We also have some Sunday school classrooms and offices which at times could be used in a limited capacity during the church service.

The new building is predominately a Family Life Center which will typically be used for large, multi-purpose events similar to gymnasium type functions. We do not envision an overlap where the new addition will be used at full capacity at the same time as the sanctuary. Typically, the Family Life Center will be used in the evenings, at special times during the week, and for events which occur at times other than Sunday morning services.

We have looked at the numbers from the Architect and feel comfortable that the 109 total parking spaces provided under this first phase will be more than ample for our needs. Undoubtedly, if this becomes a problem for us we have the option to take down the old house and expand our parking further.

Should you have any additional questions please don't hesitate to contact me.

Best regards,

Brother George Naylor

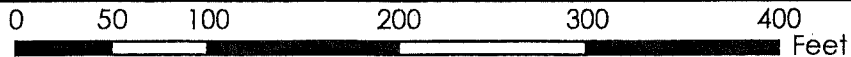
2007 AERIAL MAP

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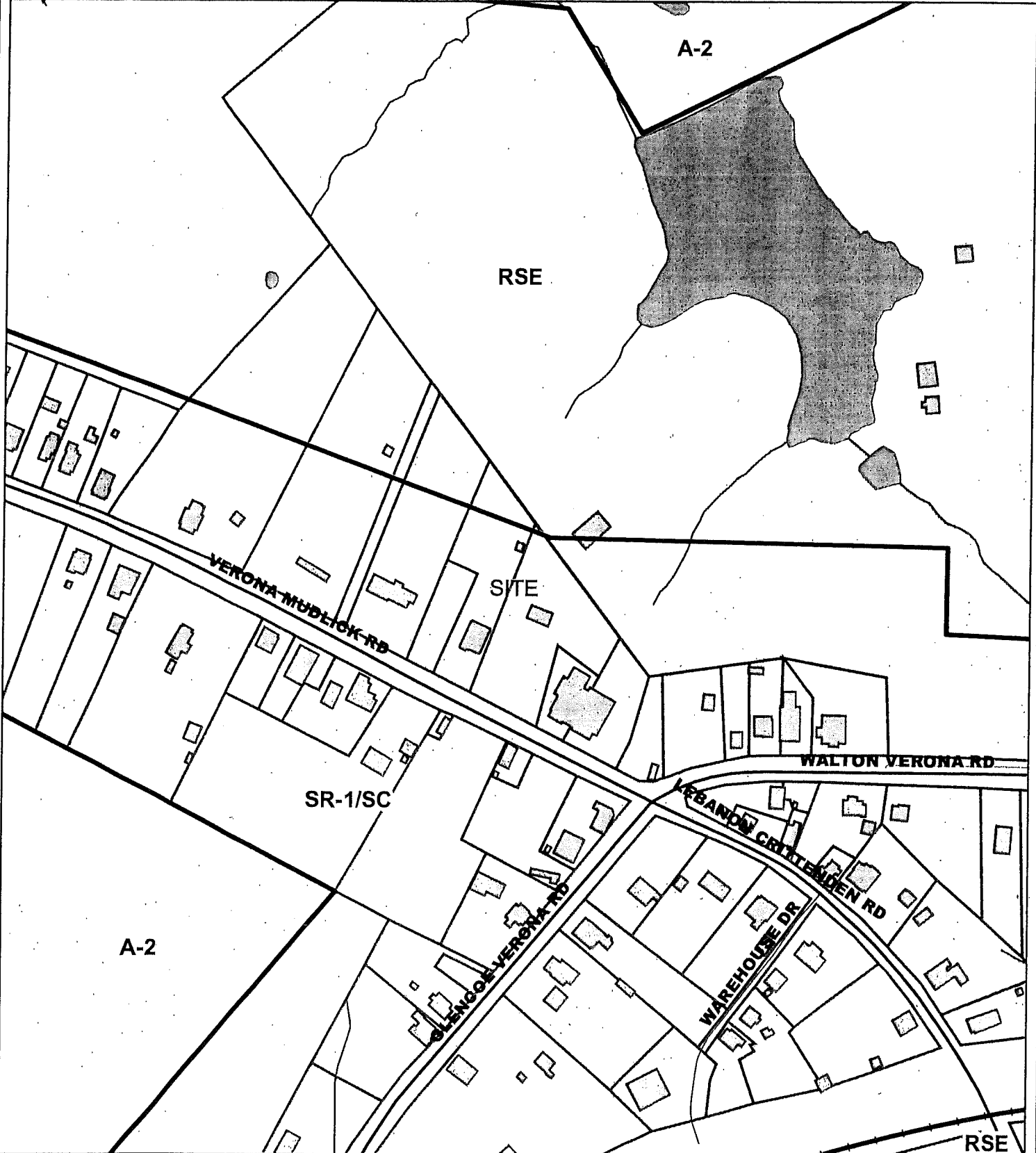
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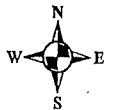
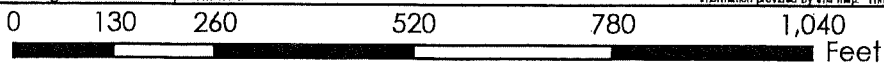
ZONING MAP

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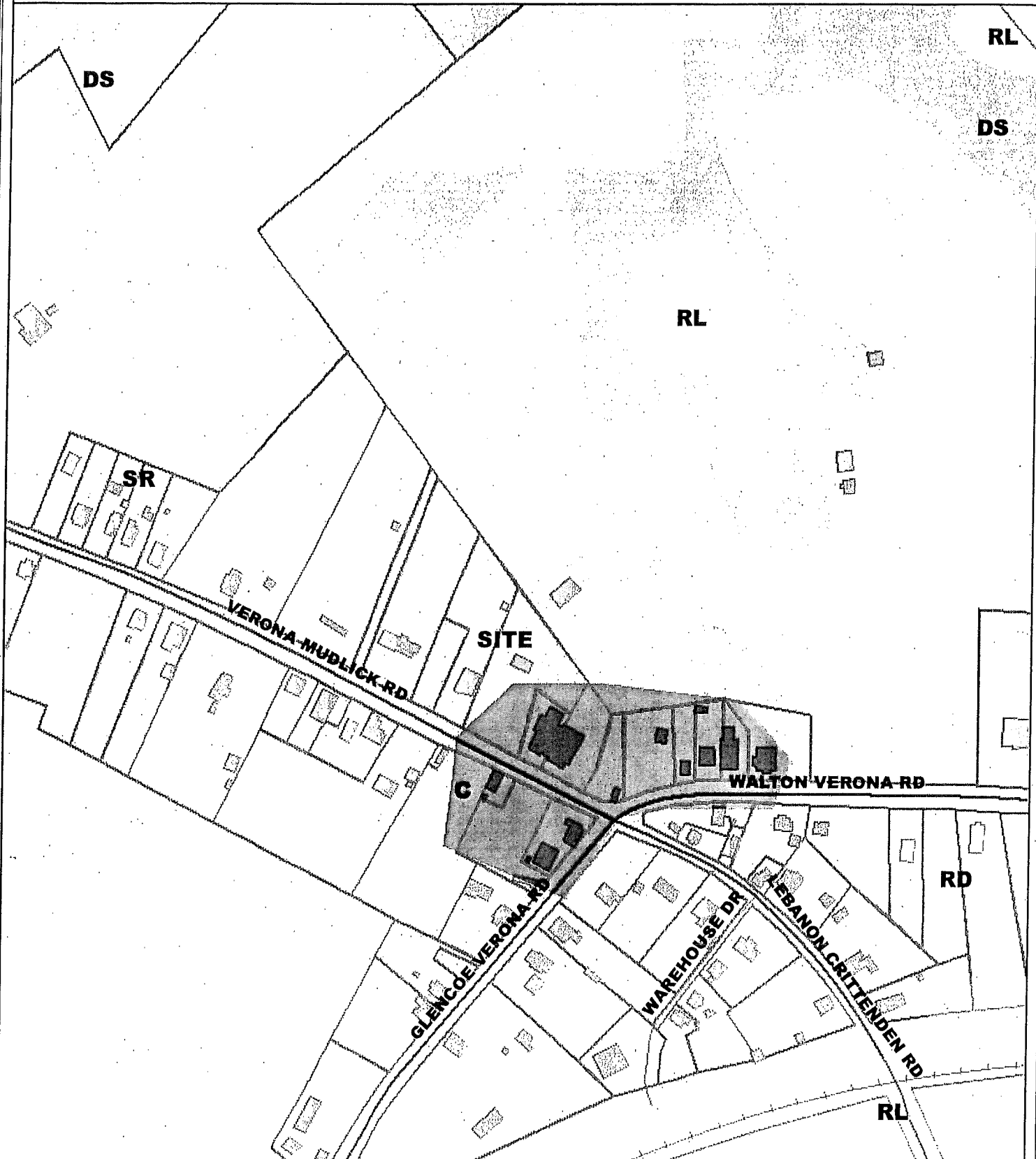
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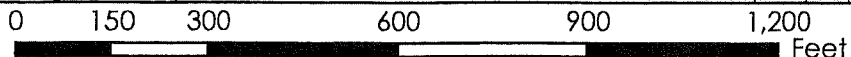
FUTURE LAND USE MAP

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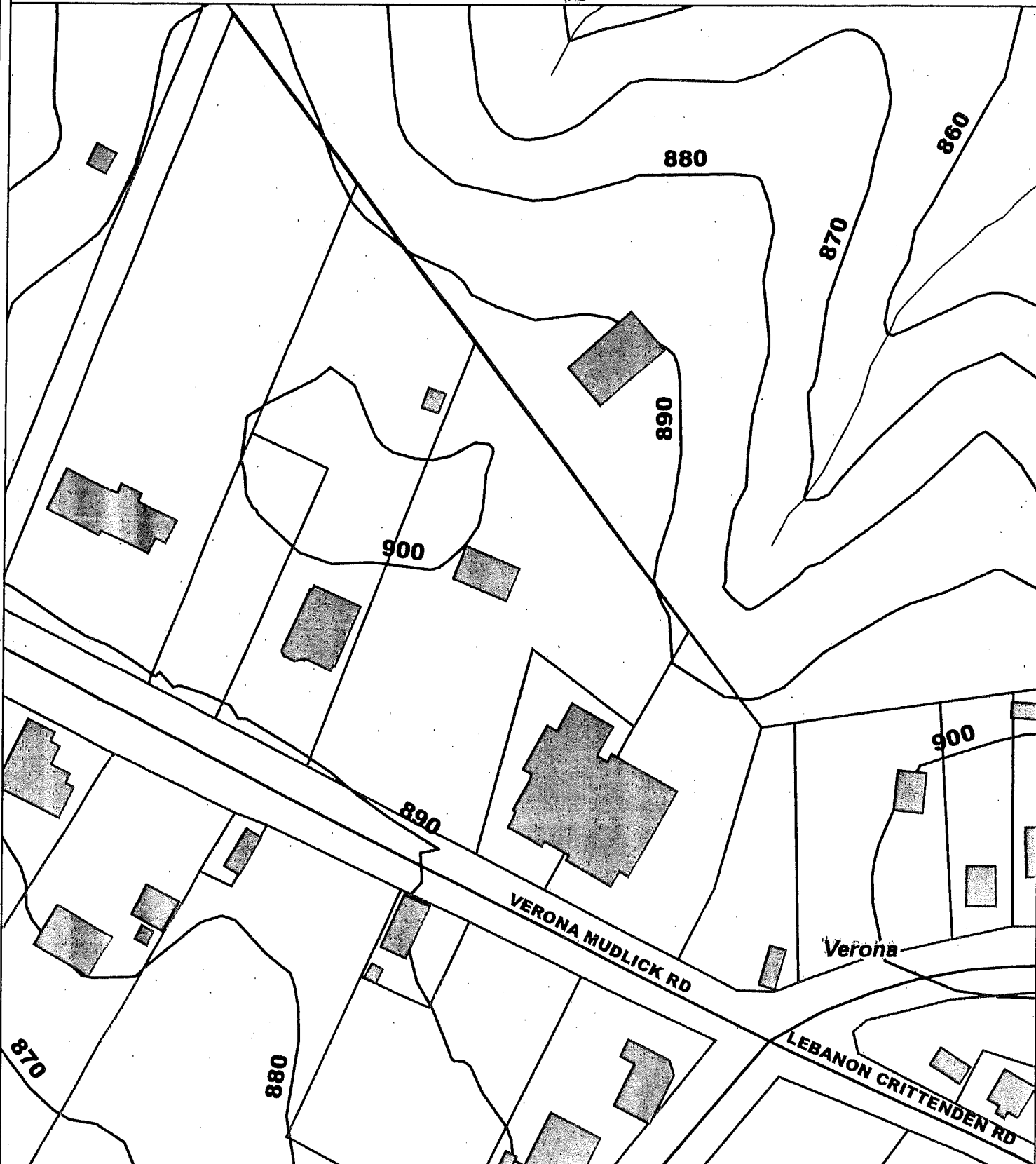
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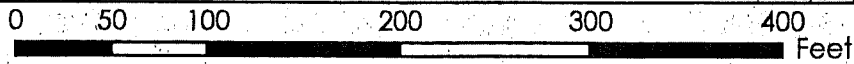
TOPOGRAPHICAL MAP

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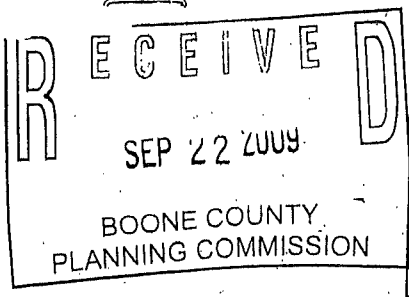


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APPLICATION FORM

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) 1. [x] Boone [] Florence [] Walton [] Union

(Check One) 2. [x] Conditional Use Permit [X] Variance [] Appeal [] Change in Non-Conforming Use

3. Applicant's Name New Bethel Baptist church Phone Number 859-485-4864 Fax No. Applicant's Address 2022 Verona-Mudlick Road Verona, Kentucky 41092 City State Zip

4. Description of Request: [C] Conditional use permit for new Family Life Center [] additional parking, conversion of house to church use, picnic shelter, and relocation of curb cut. [2] VARIANCE to reduce perimeter buffers

5. Name of Development N/A

6. Location of Development Address listed above

7. Acreage Under Review 2.9185

8. Lot Number and Name of Subdivision (if part of a subdivision) N/A

9. Owner of Property [C] New Bethel Baptist Church Address of Property Owner 2022 Verona-Mudlick Phone No. 485-4864

10. City State Zip VERONA KY 41092

11. Proposed Use(s) on Site New Family Life Center

12. Total Square Footage of Existing and/or Proposed Buildings 15,900 sf

13. Current Zoning on Property SR-1/SC + RSE

14. Deed Book See drawing Page No. See drawing Group No. 2085

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? 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.

ORIGINAL Property Owner's Signature: (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Rev. Wayne A. Taylor, pastor (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

2 Toni Carole Sims 2042 Verona - Mudlick Road Verona, KY 41092

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

New Bethel Baptist Church
2022 Verona-Mudlick Road
Verona, KY 41092
DEED BOOKS & PAGE NOS. 66/15, 163/262

Toni Carole Sims
2042 Verona-Mudlick Road
Verona, KY 41092
DEED BOOK 946 PAGE NO. 951

2. ADDRESS OF PROPERTY

2022 Verona-Mudlick Road
Verona, KY 41092

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

New Bethel Baptist Church

4. GROUP NO. 2085

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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

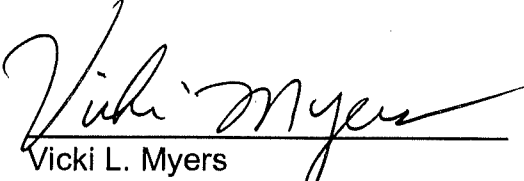
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

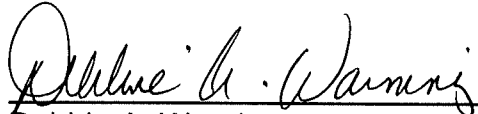
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 23 day of October, 2009.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
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 October 14, 2009 Certificate of Land Use Restriction (#09-BCBOA-011-A), for New Bethel Baptist Church and Toni Carole Sims, Property Owner(s).

The following conditions will apply:

- 1) Staff Design Review shall occur when Site Plans for the Family Life Center and picnic shelter are submitted for review. The structures shall be constructed per the following guidelines:

Family Life Center

- The front and side facades of the building shall be constructed predominately with brick. The type and amount of brick shall correlate to the existing church building.
- The front and sides of the building shall be constructed with windows and/or other architectural treatments (offset brick/decorative masonry patterns) that help break up the building facades. The number and type of windows and/or architectural treatments shall correlate to the existing church building.
- The building shall be constructed with a flat roof or a pitched roof (mansards are not permitted). A pitched roof design shall be constructed with a gable design and materials that match the existing church. No mechanical equipment shall be visible from the roof.

Picnic Shelter

- The picnic shelter shall be constructed with a pitched roof and shingles that match the church.
- 2) The building height of the Family Life Center is limited to one-story. The Family Life Center and existing church shall be approximately the same height.
 - 3) A solid evergreen hedge shall be required hedge along the portion of western property line where the Variance is being sought. The hedge shall grow to a minimum of six (6) feet in height at maturity.

- 4) The landscape buffer between the relocated curb cut and the western property line shall have the qualitative affect of Buffer Yard A. The applicant shall approach the Kentucky Transportation Cabinet to determine if landscaping can be installed in the KY 14 right-of-way.
- 5) The public sidewalks in front of the church campus (in the KY 14 right-of-way) shall be repaired and brought up to compliance with ADA requirements.
- 6) A photometric plan that complies with the Boone County Zoning Regulations shall be required with the Site Plan if any additional site lighting (light poles/wall packs) is proposed. Any proposed light poles shall be limited to 20' in height. Light poles near the western property line shall be equipped with cut-off shields to prevent glare issues on the adjoining property owners.

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

DEED BOOKS & PAGE NOS. 66/15, 163/262, 946/951

GROUP NO. 2085