

11-BCBA-009-A



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)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name BELLEVIEW BAPTIST CHURCH
Phone Number 250-0911 Fax No. _____
Applicant's Address 6658 FIFTH ST. BURLINGTON KY 41005
4. Description of Request: ADDITION TO CHURCH BLDG & PARKING LOT EXPANSION
5. Name of Development BELLEVIEW BAPTIST CHURCH
6. Location of Development 6658 FIFTH ST., BURLINGTON, KY 41005
7. Acreage Under Review 0.5 AC.
8. Lot Number and Name of Subdivision (if part of a subdivision) 20, 22, 23, 24 & 25 - TOWN OF BELLEVIEW - GRANT POST OFFICE
9. Owner of Property BELLEVIEW BAPTIST CHURCH
Address of Property Owner 6658 FIFTH ST. BURLINGTON KY 41005
10. City Burlington State KY Zip 41005
11. Proposed Use(s) on Site CHURCH
12. Total Square Footage of Existing and/or Proposed Buildings 8,612 EXIST. / 4,890 NEW
13. Current Zoning on Property SRI-SC
14. Deed Book 372/888 Page No. 159/313 Group No. 2035
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.

ORIGINAL Property Owner's Signature: John M. Scott trustee (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: John M. Scott trustee (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 7-19-11 Fee Received \$982.00 R#63228
2. Is application complete? Yes No *cl*
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
8/10/11 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 8/10/11 BCBOA Meeting
MINUTES + C.C.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: Belleview Baptist Church

LOCATION: 6658 Fifth Street, Boone County, Kentucky

ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)

DATE: August 10, 2011

PROPOSAL

Belleview Baptist Church is requesting a Conditional Use Permit to allow a 4,890 square foot (81.5' x 60') building addition, associated parking lot improvements, and an existing picnic shelter to be reconstructed to the north of the existing church.

The preliminary Site Plan shows that the building addition will connect on the northern side of the church and will cross over the former Main Street right-of-way. The addition is located 239' from KY 18 and 26.4' from Fifth Street. A new parking lot with thirty-nine (39) parking spaces will be located to the east and northeast of the proposed building addition. The parking area is located 110.5' from KY 18 and 12' from Sixth Street. Although not shown on the plan, the applicant has informed Staff that they would like to reconstruct their picnic pavilion (32' x 35') immediately to the north of the proposed parking lot.

The submitted building elevations and renderings show that the addition will be constructed with brick which closely resembles the existing brick, stone veneer, metal canopies, and green standing seam metal roofing. Four existing windows on the north facade of the church will be reused in the east and west facades of the building addition. Architectural detailing includes recessed brick windows, gable trim, soldier course brick, and stone sills above some windows and doors. The main entrance to the church will also be updated with a new door, handicapped ramp, metal canopy, and some stone veneer.

The submitted floor plan shows that the building addition will be a new sanctuary that will seat up to 387 people at one time.

RELEVANT SITE HISTORY

5/12/04 - The Boone County Board of Adjustment approved a Conditional Use Permit allowing a 9,989 square foot building addition and 54 parking stalls to be constructed on the church campus. Nine conditions were imposed on the approval (see attachments).

SITE CHARACTERISTICS

The approximate 2.96 acre church campus has road frontage on KY 18, Fifth Street, Sixth Street, Main Street, Sycamore Street, and McVillie Road. The campus contains a sanctuary, administration/Sunday school building, parsonage, youth fellowship building, picnic shelter, blacktop parking lot, and gravel parking lot. The building and parking additions are proposed to the north of the existing church and south of the KY 18 right-of-way. The topography of the area is flat. At least three large deciduous trees and possibly some evergreen trees will need to be removed in order to construct the building addition, parking lot, and picnic shelter. Public water and sanitary sewer is not available and the church has a septic system and well.

APPLICABLE REGULATIONS

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional use permits as specified by the zoning order.

Article 20, Section 2012 of the Boone County Zoning Regulations permits "churches, synagogues, temples and other places of religious assembly for worship" as a conditional use in the Small Community Overlay District (SC) under 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 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 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.

Article 20, 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 2015 of the Boone County Zoning Regulations states that the front yard setback in the Small Community Overlay District (SC) is a 20 foot maximum. However, in cases where a building is being constructed on a vacant lot, the front yard setback can be made consistent with the principal structures on the adjoining lots, provided that they are on the same side of the street.

Section 3314 of the Boone County Zoning Regulations states that all parking areas, including driveways, aisles, vehicles 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.

Section 3325 of the Boone County Zoning Regulations states that churches must provide one parking stall for every three seats.

Sections 3605 and 3620 of the Boone County Zoning Regulations requires street frontage landscaping to be installed in those areas where new development or parking lot improvements are being proposed.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The following Goals and Objectives from the 2005 Boone County Comprehensive Plan apply to the application:

- A. "Existing vegetation shall be considered both an important site characteristic and a community resource (Environment, Social Objective).
- B. "Significant historic buildings, structures and sites, archeological sites and natural features in Boone County are preserved" (Preservation, Goal).
- C. "Priorities shall be established for the conservation, restoration, preservation and protection of natural features, historic building, structures and sites, archeological sites, and cemeteries" (Preservation, Objective).

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

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be

preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography", pg. 140).

- B. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character (Buffering, pg. 141).
- C. 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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps to purify the air of harmful pollutants, reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands. Native species should be used wherever possible to minimize pesticides and other high impact forms of maintenance.

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Landscaping, pg. 141).

- D. Developments in Boone County must recognize the potential impacts of stormwater runoff. 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. Creating less runoff is a method of managing runoff (Stormwater Management and Erosion Control, pg. 141).
- E. 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. The 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).

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

Public/Institutional – "Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, 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 Land Use Element (Belleview - McVille Area, pp. 157-158) makes the following statement regarding the general area:

- A. "Belleview and McVille proper should function as neighborhood centers for the surrounding area. The communities in this general area of Boone County have experienced some growth, in the form of the Kelly School in Belleview and the firehouse. Additional new local-scale commercial services may develop; existing buildings should be restored or replaced to meet the towns' residential and commercial needs."

The Historic Preservation Element makes the following statements that relate to the request:

- A. "The Historic Preservation Review Board should study and design a Local Landmarks Program to recognize significant historic buildings throughout the County. Design review guidelines, administered by the Review Board, should be established for these properties" (Preservation Strategies for Boone County, pg. 104)

SURROUNDING LAND USES & ZONING

North: Burlington Pike, Single-Family Residential Dwelling & Barn (SR-1/SC)

South: Single-Family Residential Dwellings Fronting on Sycamore Street (SR-1/SC)

East: Sixth Street, Single-Family Residential Dwellings (SR-1/SC)

West: Single-Family Residential Dwellings (SR-1/SC)

STAFF COMMENTS

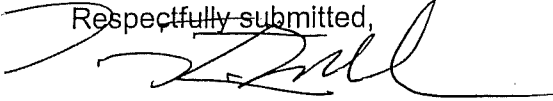
1. Staff has the following questions for the applicant:
 - A. Is any exterior site lighting being proposed?
 - B. What is happening to the existing Sanctuary?

- C. Will any other church buildings or seating areas be used at the same time as the new Sanctuary?
 - D. Has septic approval been discussed with the Northern Kentucky Health District?
2. The parking requirement for a church is one parking space per three seats that can be used at any given time. The submitted plans indicate that the new Sanctuary can seat up to 387 people and that 107 parking spaces will be provided on the church campus (parking shortage of 22 stalls). The church has indicated they will ask the Zoning Administrator for a parking Waiver because they have more than 80 people in their congregation that walk to church (see attachments). More parking will have to be added on the church campus if the Zoning Administrator denies or only partially approves the parking Waiver.
 3. The picnic shelter that is currently located on the property has never received Conditional Use Permit or Site Plan approval. The proposed parking lot will cause the picnic shelter to be removed or relocated. The church has indicated that they would like to relocate the structure immediately to the north of the proposed parking lot.
 4. Sections 3605 and 3620 of the Boone County Zoning Regulations requires 10 foot street frontage landscaping buffers to be installed in those areas which match up with new building or parking lot additions.
 5. The submitted elevation drawings and renderings were reviewed by Staff. Staff believes that the new addition correlates much better to the church than the 2004 approval. The proposed elevation drawings show that the addition will have many design characteristics that match or correlate to the existing building and the existing windows on the northern facade are being reused. Staff's only concern with the new addition is that it may cause the church to lose it's listing on the National Register of Historic Places should that status come under State or Federal review at some point in the future.
 6. Staff is concerned that the picnic shelter will be reconstructed in close proximity to KY 18 and will be highly visible. The church typically parks their van under the shelter to keep it out of the weather. Accessory structures are not permitted in front or corner side yards.
 7. A Waiver will need to be approved if a storm water and detention area is not provided. The Waiver would be submitted with the Site Plan application and would be reviewed by the Zoning Administrator and County Engineer.
 8. If the Board grants the Conditional Use Permit, Staff recommends the following conditions:
 - A. The approval is based on the submitted plans and elevation drawings but the Zoning Administrator may allow minor revisions to be made administratively.
 - B. The proposed parking lot shall be setback a minimum of 50' feet from the KY 18 right-of-way.
 - C. The picnic shelter shall not be constructed to the north of the proposed building or parking addition but shall be permitted to the east of the current sanctuary or south of the administrative offices.

CONCLUSION

KRS 100.237 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 request.

Respectfully submitted,



FOR TODD MORGAN
Todd K. Morgan, AICP
Senior Planner, Zoning Services

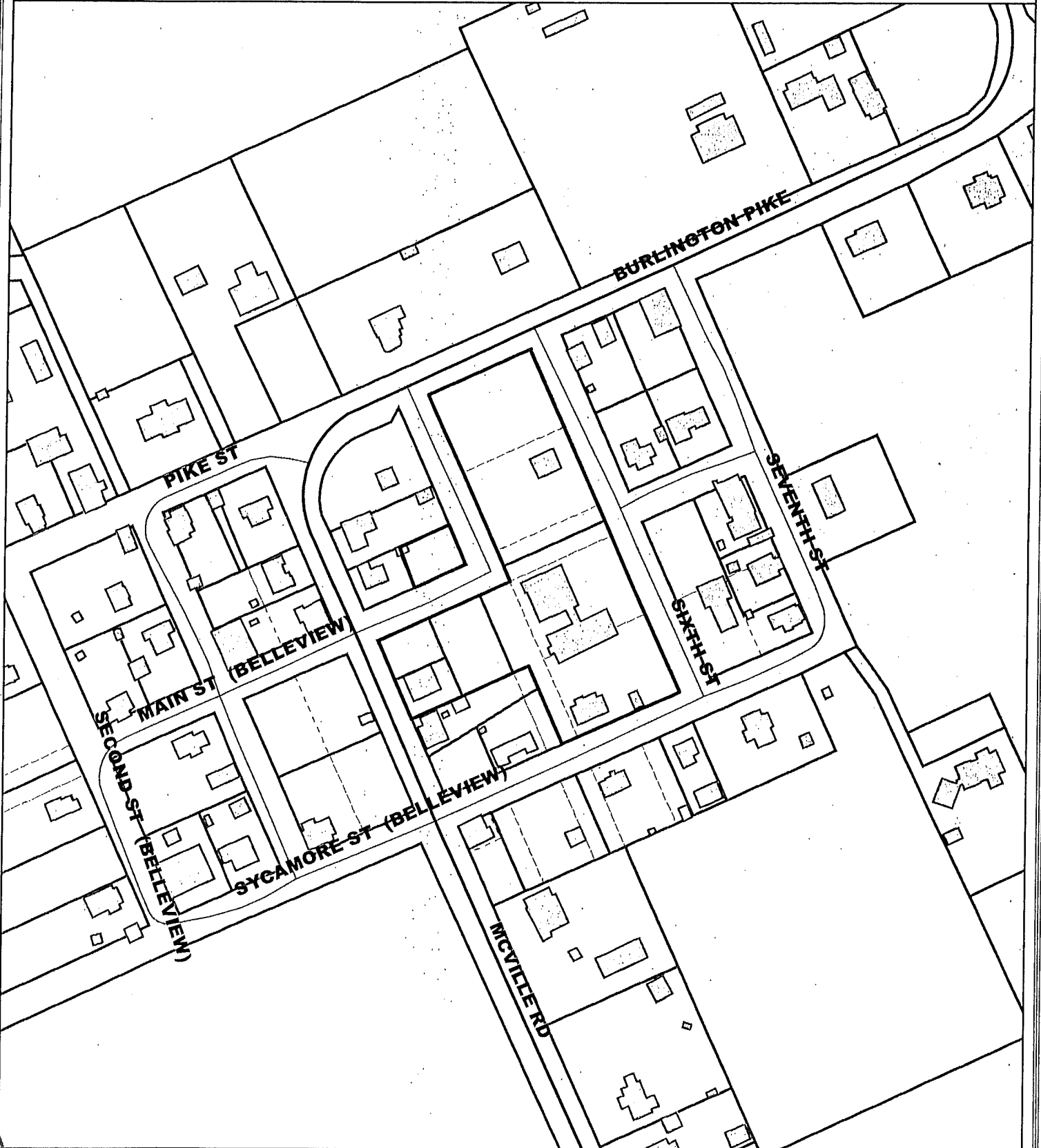
TKM/dw

Attachments

- *Site Vicinity Map
- *Preliminary Development Plans (Site Plan, Floor Plan, Elevations, Renderings)
- *Letter From Church
- *2009 Aerial Map
- *Future Land Use Map
- *Zoning Map
- *5/12/04 Plans
- *5/12/04 Conditions of Approval
- *5/12/04 Meeting Minutes
- *Application

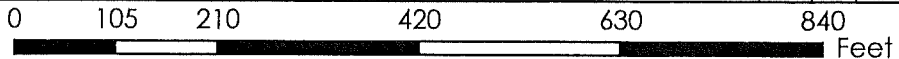
SITE VICINITY MAP

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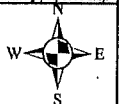


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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 01/01/2008

Boone County GIS

PROJECT SUMMARY:

CLIENT: BELLEVUE BAPTIST CHURCH
6658 FIFTH STREET
BURLINGTON, KY 41005

SOURCE OF TITLE: D.B. 372/888, P.C. 159/373

EXISTING ZONING: SRT-SC

ZONING REQUIREMENTS:

MIN. FRONT YARD SETBACK: TO BE DETERMINED
MIN. SIDE YARD SETBACK: TO BE DETERMINED
MIN. REAR YARD SETBACK: TO BE DETERMINED
MAX. BUILDING HEIGHT: 45'

PROJECT AREA: UNKNOWN
DISTURBED AREA: 1.7 AC +/-
0.5 ACRES

PROJECT NOTES:

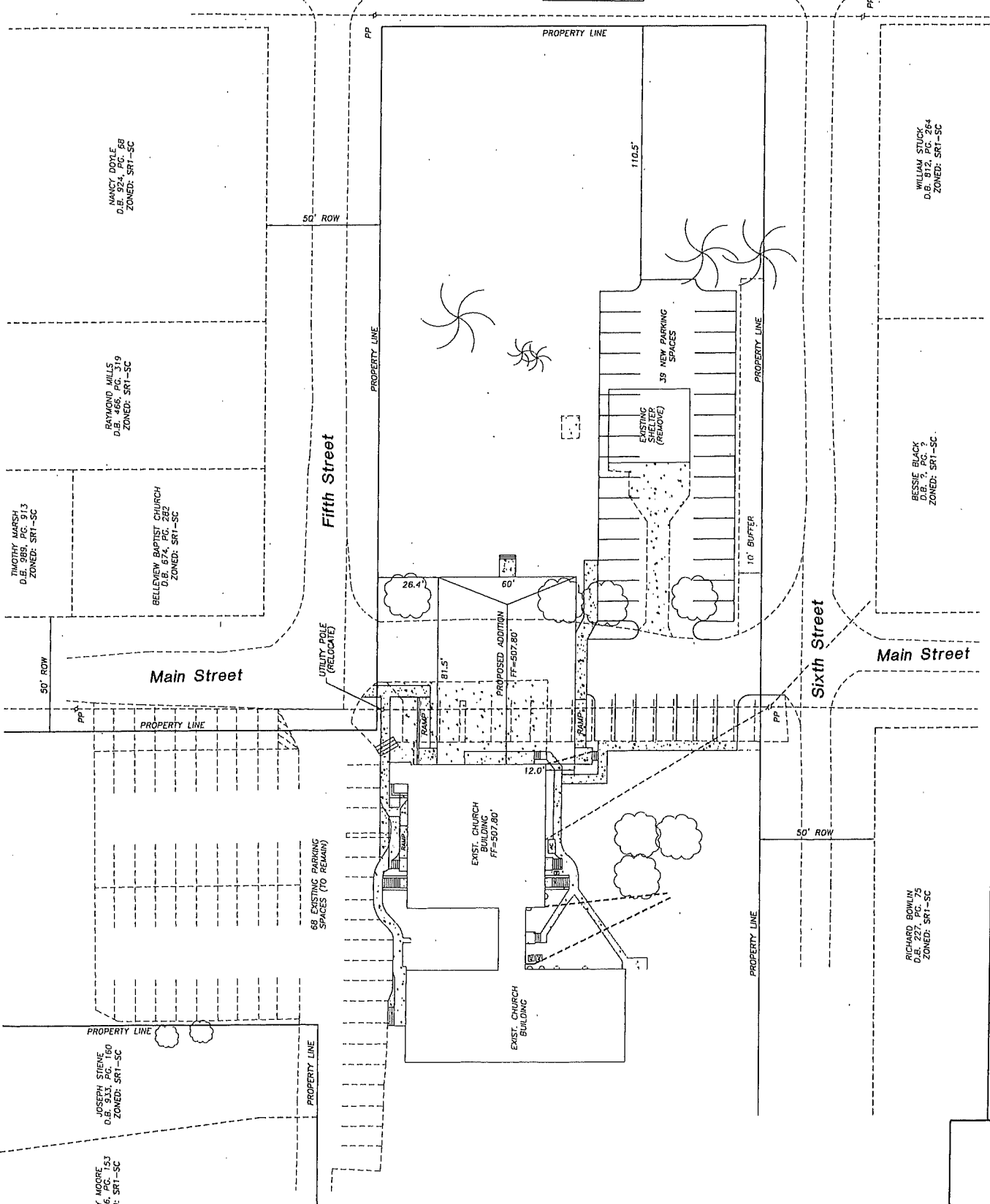
- 1) ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH ALL APPLICABLE ZONING REGULATIONS AND/OR THE CITY OF BELLEVUE, KENTUCKY.
- 2) THE PROPERTY BOUNDARY INDICATED HEREON IS BASED UPON CURRENT DEED(S) OF RECORD.
- 3) LANDSCAPING FOR THIS PROJECT WILL BE PREPARED BY OTHERS AND SUBMITTED AS A SEPARATE PLAN SHEET.
- 4) TRASH GENERATED FROM THIS PROJECT WILL BE COLLECTED IN INTERIOR STORAGE BINS AND PLACED AT CURB SIDE FOR COLLECTION.

Ky. Rt. 18

Ky. Rt. 18

THE PARKING CALCULATION FOR THIS PROJECT IS AS FOLLOWS:
1 PARKING SPACE PER EVERY 3 SEATS FOR DRIVING ATTENDEES
0 PARKING SPACES PER EACH WALKING ATTENDEE

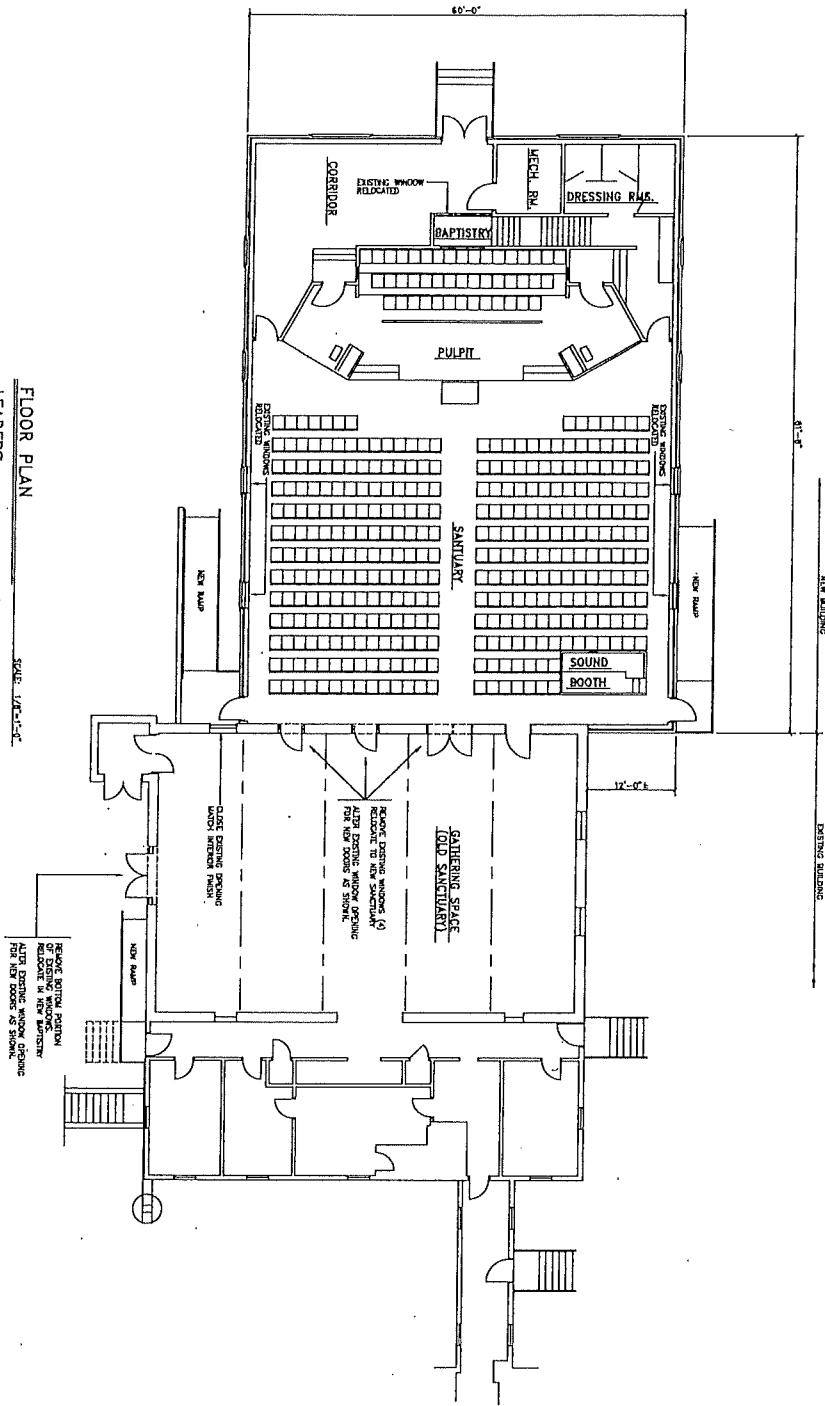
CALCULATION
300 DRIVING ATTENDEES = 100 PARKING SPACES REQUIRED
107 TOTAL PARKING SPACES HAVE BEEN PROVIDED
TYPICAL PARKING SPACE SIZE: 9'x18'



<p>JERRY F. KEITH AND ASSOCIATES, P.S.C. 1245 Violet Road Crittenden, KY 41030 Telephone: (859) 393-5169 Email: Jerry.Keith@jfkassn.com</p>		<p>DESIGNED BY: J.F.K. DRAWN BY: J.F.K. CHECKED BY: J.F.K. PROJECT NO.: 11-28 DATE: 7/15/11 DRAWING ID: BURLBP</p>
<p>JERRY F. KEITH AND ASSOCIATES, P.S.C.</p>	<p>Jerry F. Keith, PE KY PE #: 21762</p>	<p>NO. _____</p> <p>REVISIONS _____</p> <p>DATE _____</p>
<p>Bellevue Baptist Church Concept Development Plan</p>		
<p>SHEET NUMBER 1 of 1</p>	<p>6658 Fifth Street Burlington, Kentucky</p>	
<p>F. Keith, P.E. E. #21762</p>		

FLOOR PLAN
 SCALE: 1/8"=1'-0"
 LEADERS 4
 CHOIR 45
 SOUND 2
 CONGREGATION 336
 CONGREGATION 387

NEW ADDITION:
 SQUARE FOOTAGE = 4,900
 HEIGHT = 1 STORY



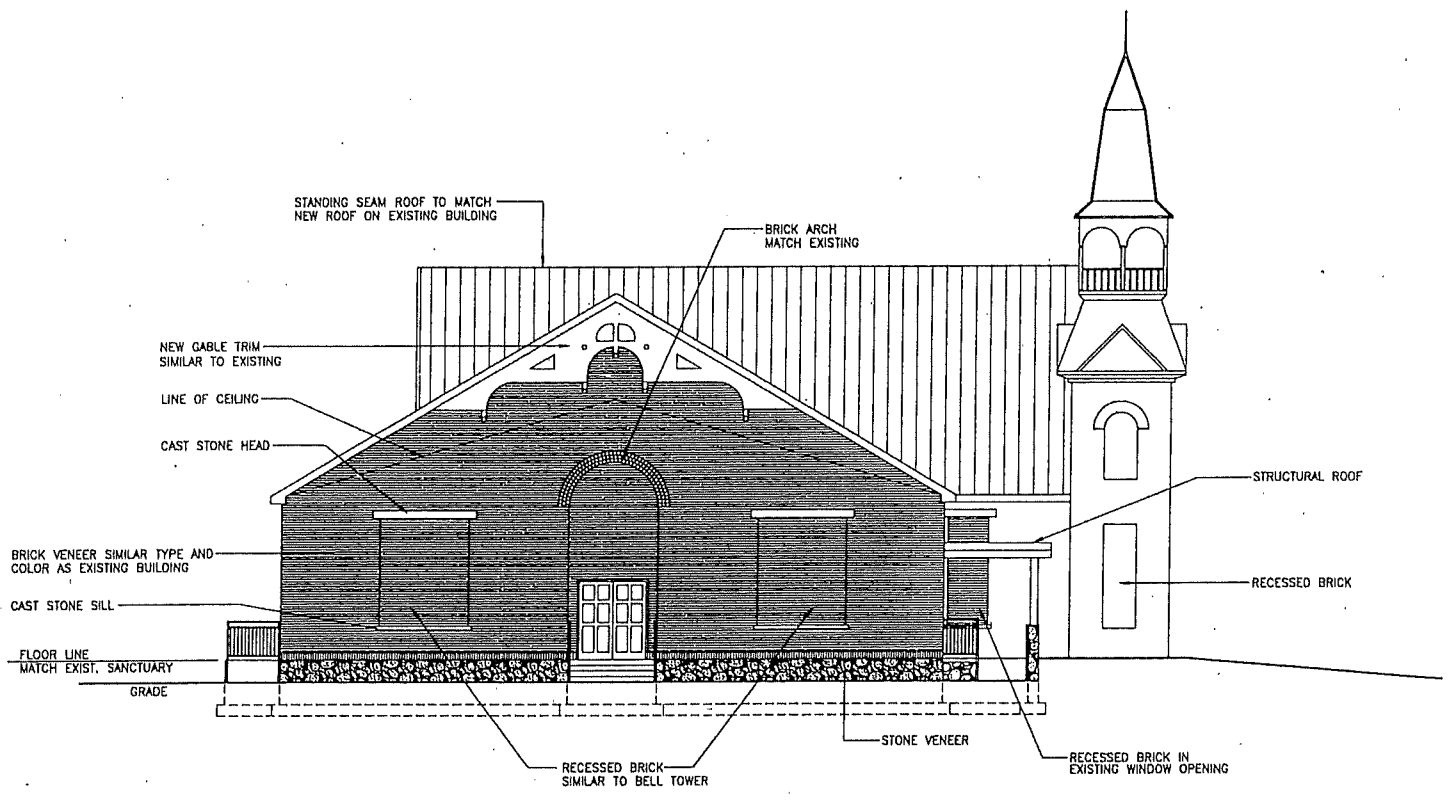
DATE 07/18/11
 A-1
 OF 3

SCHEMATIC ■ PRELIMINARY ■ WORKING
 A PROPOSED BUILDING ADDITION FOR:
BELLEVUE BAPTIST CHURCH
 6658 5th STREET BELLEVUE, KY

REVISIONS	DATE
1.	
2.	
3.	
4.	
5.	

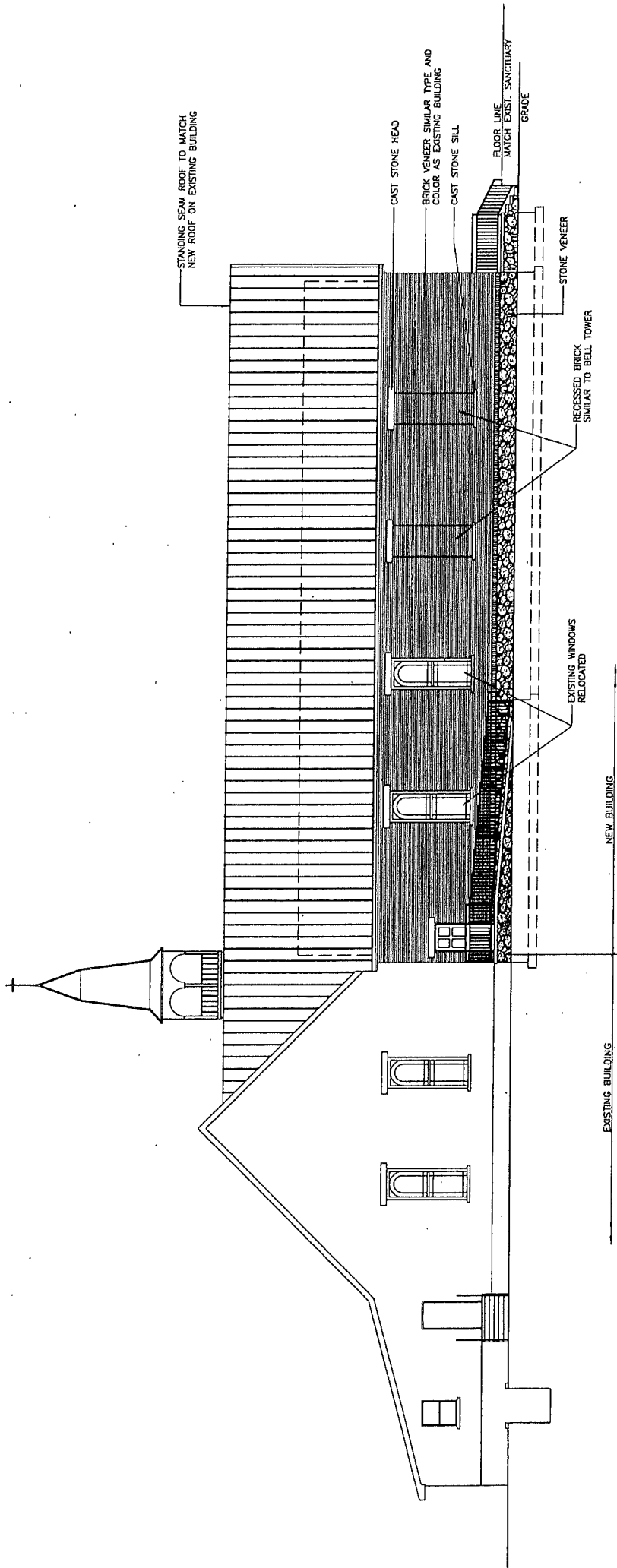
Batson & Associates
 310 Greenup Street
 Covington, KY 41011

COMM. 977



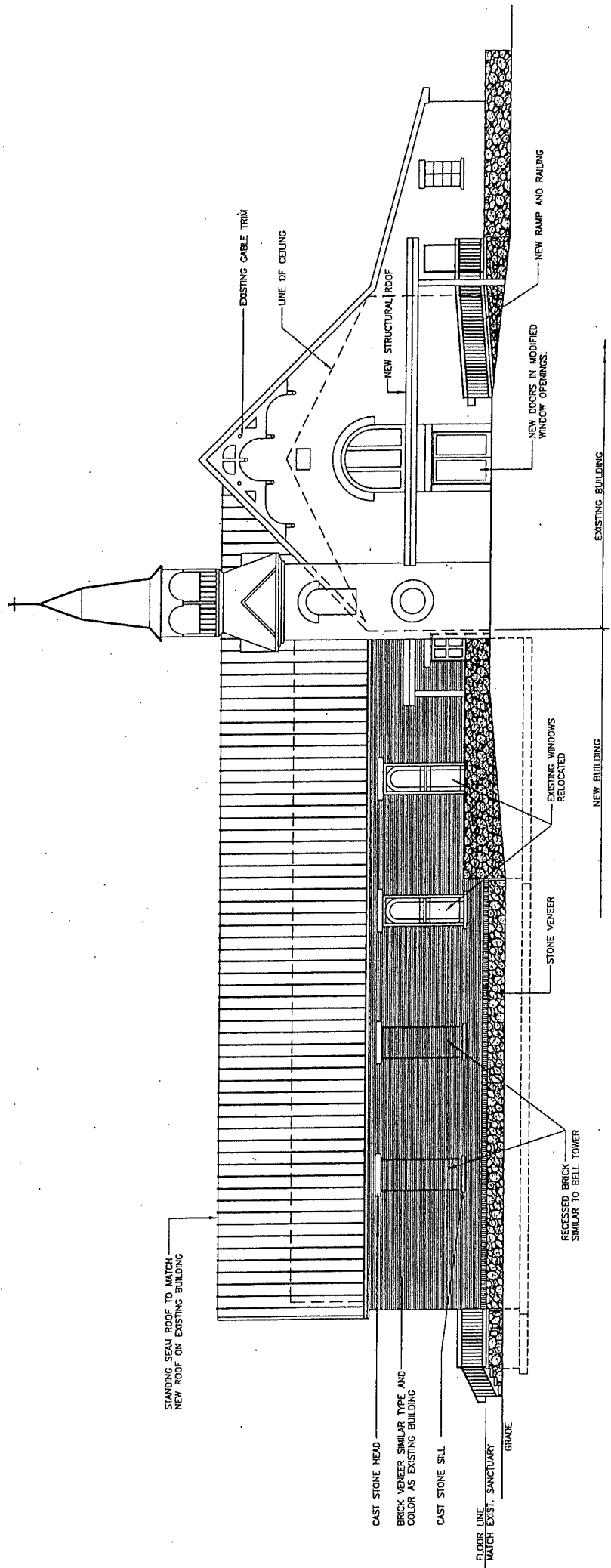
NORTH ELEVATION

SCALE: 1/8"=1'-0"



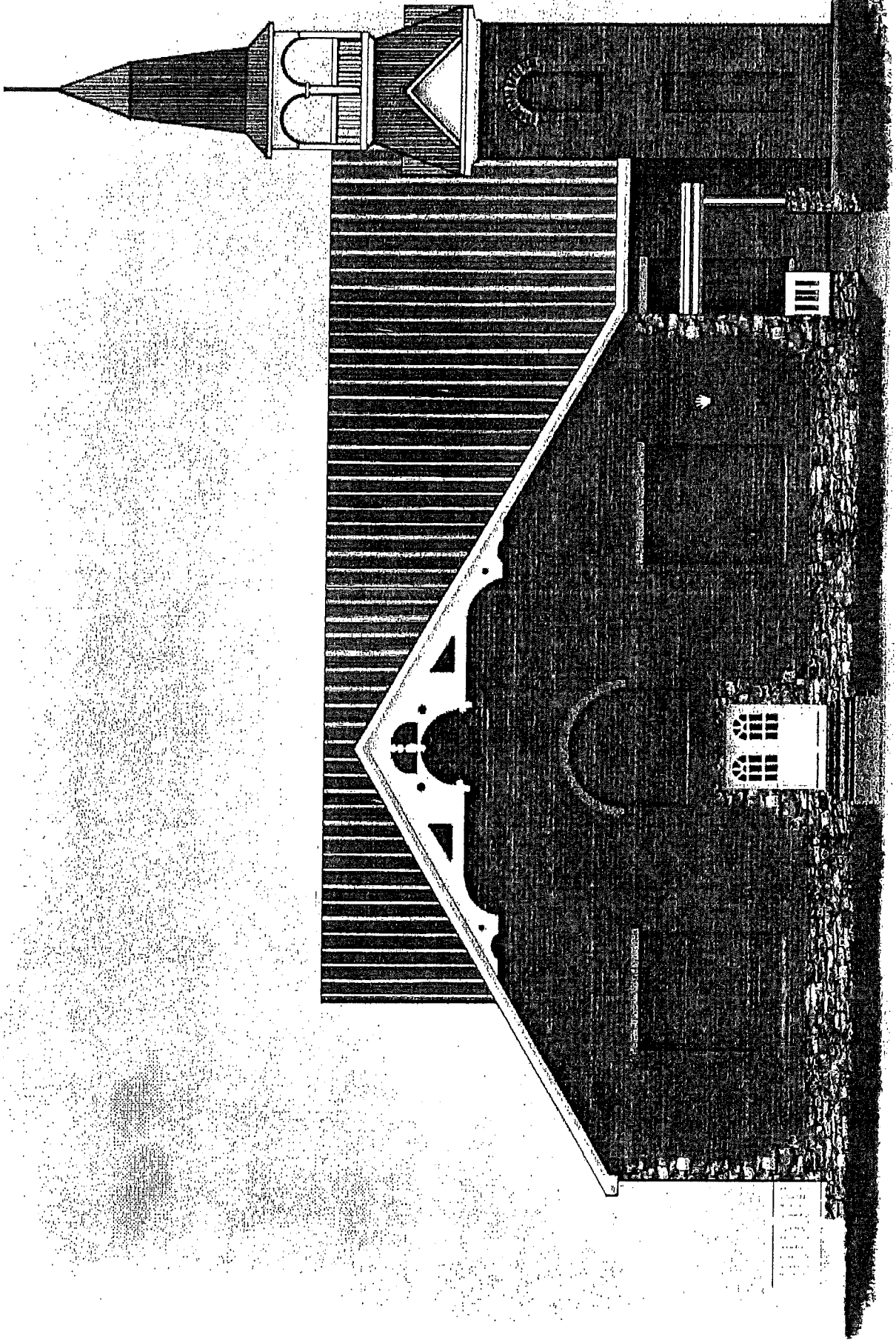
EAST ELEVATION

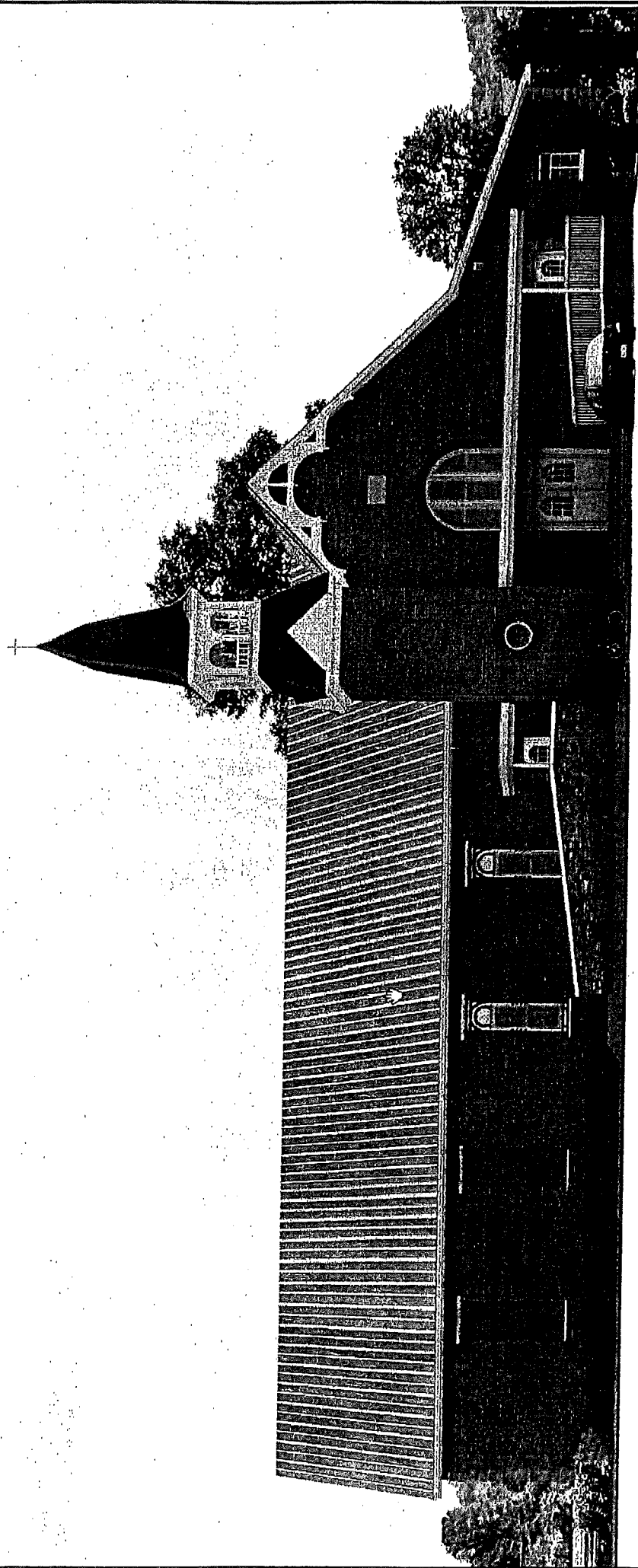
SCALE 1/8"=1'-0"



WEST ELEVATION

SCALE: 1/8"=1'-0"







Belleview Baptist Church

6658 Fifth Street
Burlington, KY 41005
(859) 586-7809

Belleview Community of Boone Co.
Route 18 - 7 Miles West of Burlington

July 14, 2011

To Whom It May Concern:

Belleview Baptist Church is part of a small community. After a study of our membership, we have come to the conclusion that 80-plus members of our congregation in the community have a tendency to walk to church.

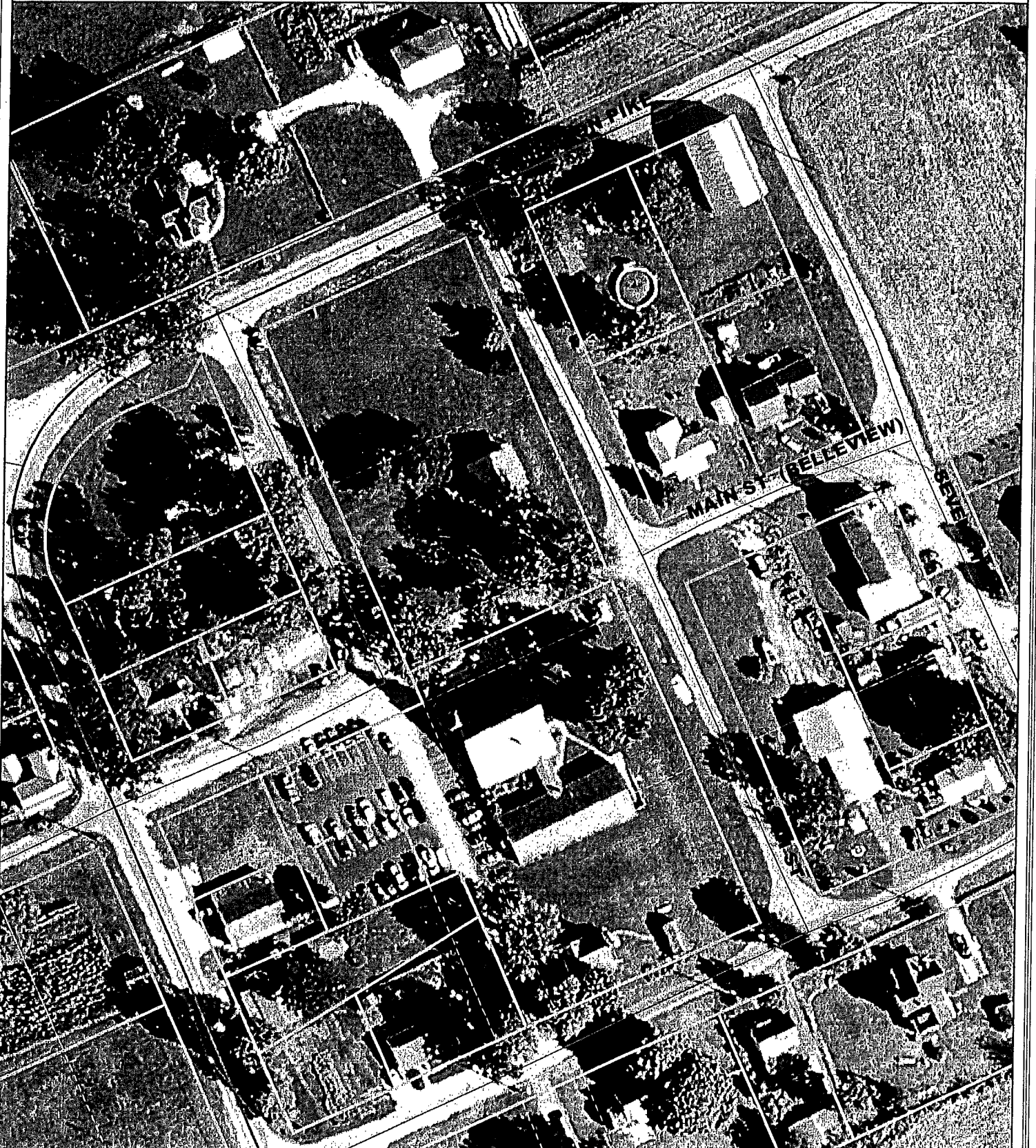
Sincerely,

Michael T. Pelfrey
Pastor

Come Grow With Us!

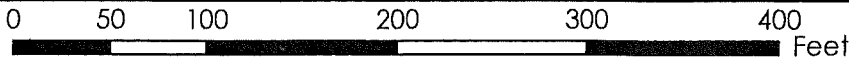
2009 AERIAL MAP

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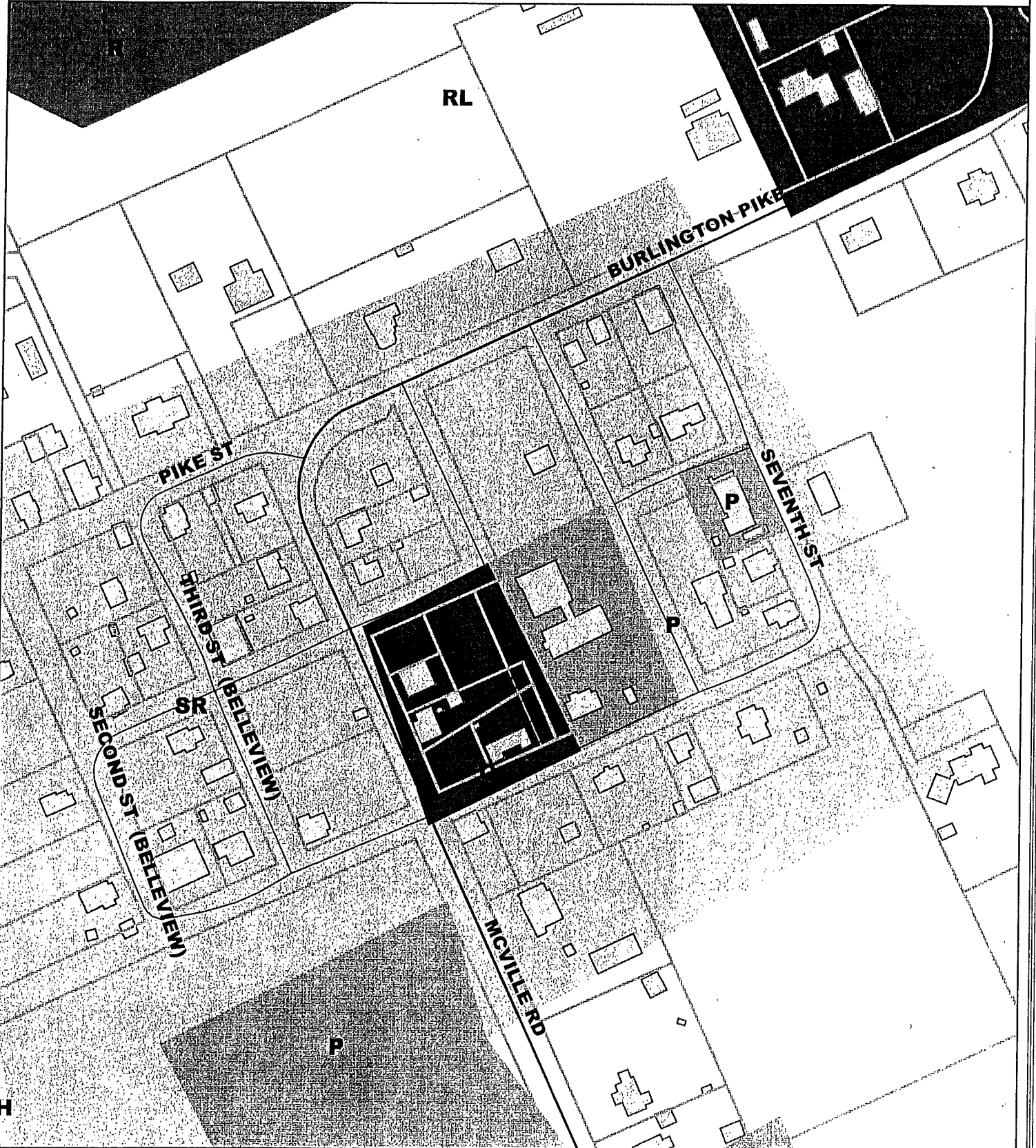
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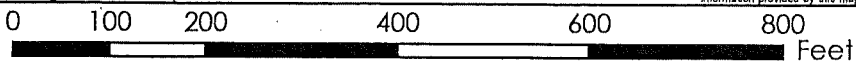
FUTURE LAND USE MAP

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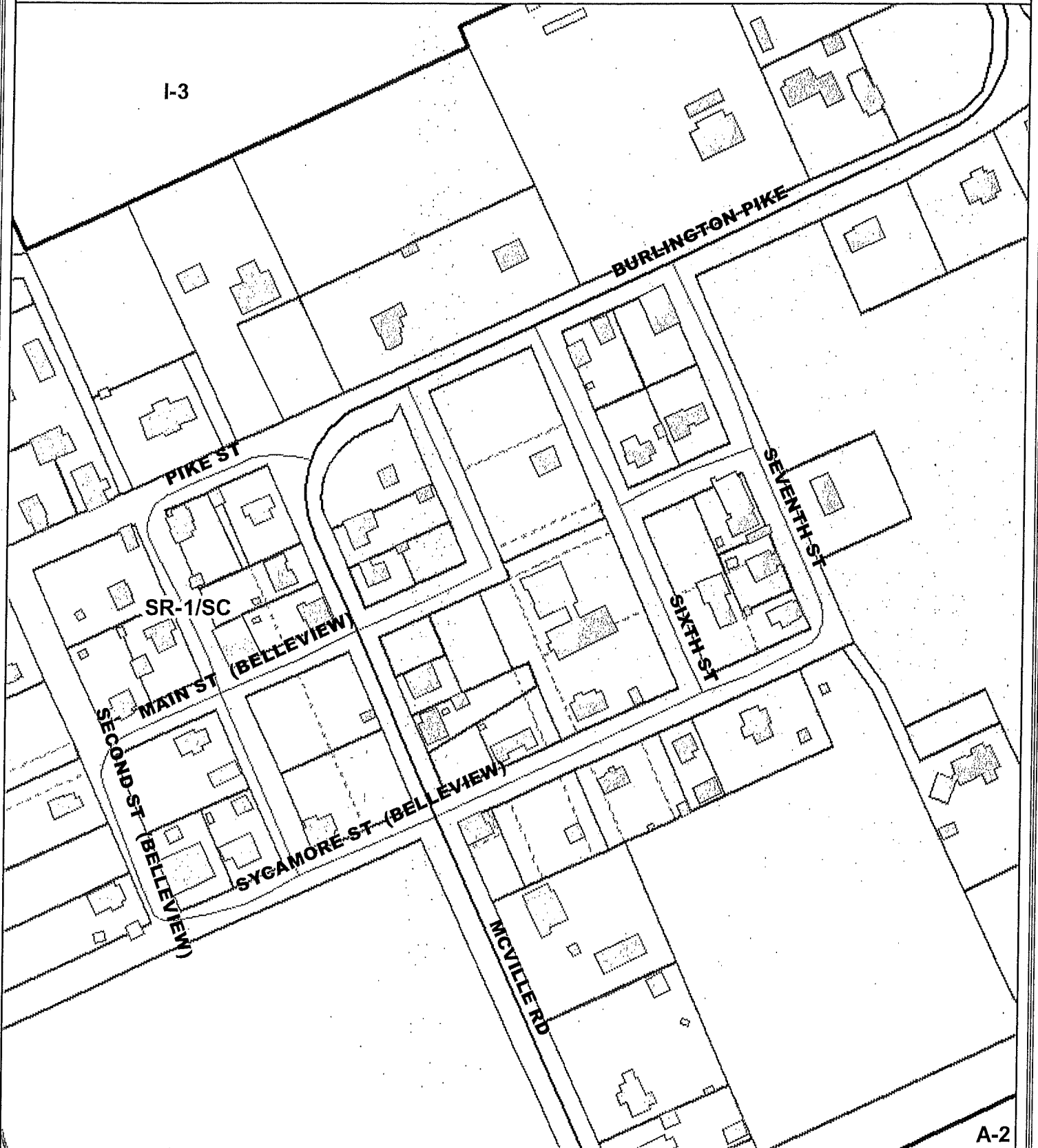
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Boone County GIS - Putting Northern Kentucky on the Map

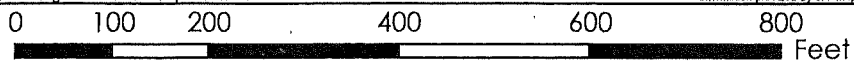
ZONING MAP

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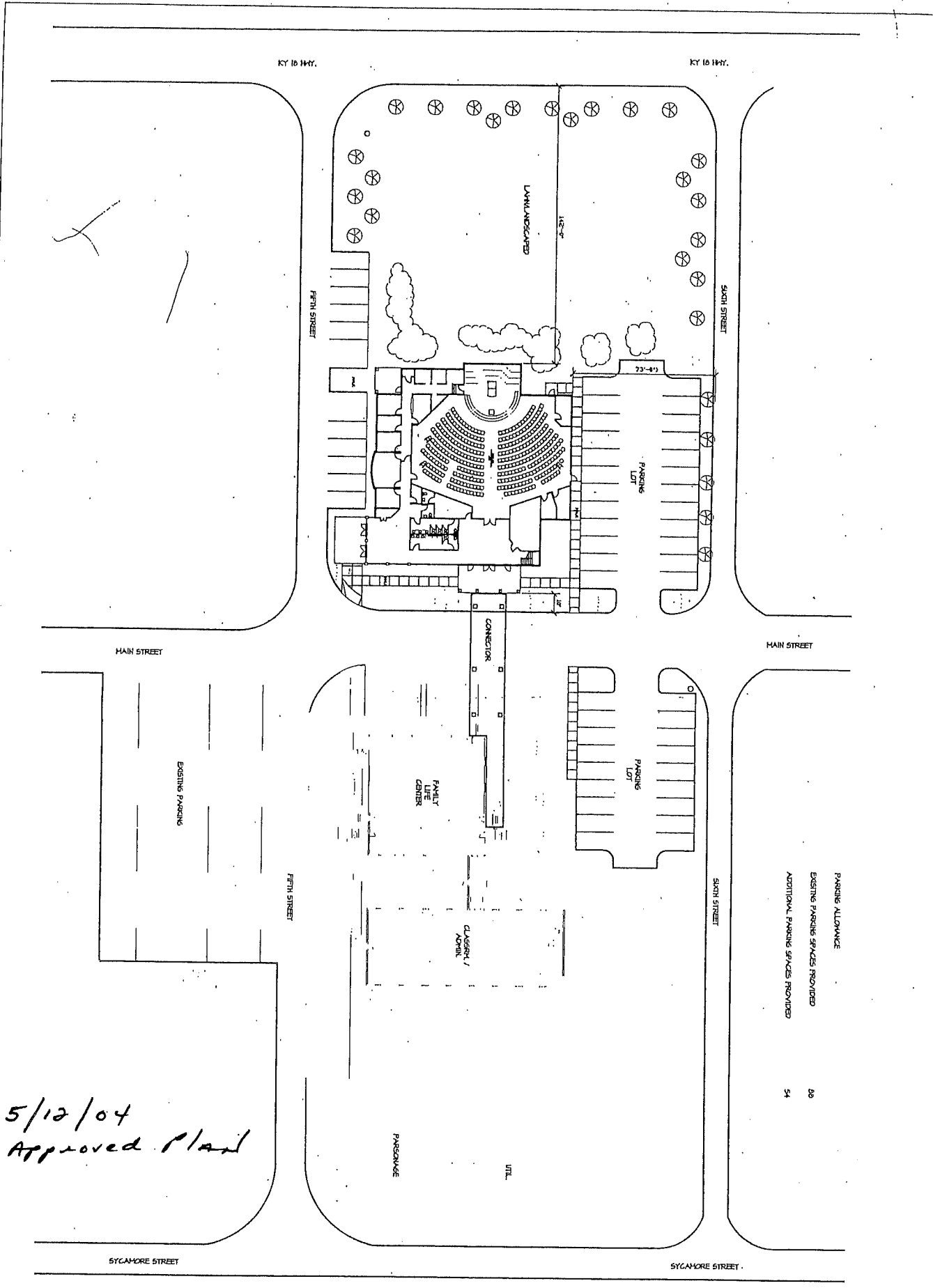


1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map





5/12/04
Approved Plan

PARKING ALLOWANCE
EXISTING PARKING SPACES PROVIDED 88
ADDITIONAL PARKING SPACES PROVIDED 54

BELLEVIEW BAPTIST CHURCH
BIRMINGHAM, AL

BELLEVIEW BAPTIST CHURCH

DATE: 5/12/04
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

ANGI
ARCHITECTURAL
INTERNATIONAL

1011 HUNTERS LANE, SUITE 100
BIRMINGHAM, ALABAMA 35203
PHONE: 205.974.1322
FAX: 205.974.1322

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 May 12, 2004 Certificate of Land Use Restriction (#04-BCBOA-012-A), for Tim McNeely, and Belleview Baptist Church Property Owner(s).

The following conditions will apply:

- 1) The use is not to have activities, processes, materials, equipment or conditions of operation, or lighting 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.
- 2) The building and proposed building materials, including the covered walkway, must be sensitive to the established character of the Small Community Overlay District.
- 3) Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area shall be traveling in a forward motion (per Section 3322 of the *Boone County Zoning Regulations*).
- 4) Ten-foot wide street frontage landscaping buffers shall be installed in those areas where new development or parking lot improvements are being proposed (per Sections 3705 and 3720 of the *Boone County Zoning Regulations*).
- 5) The Applicant must furnish elevation plans of the addition to the Boone County Historic Preservation Review Board before applying for Site Plan approval so that the Historic Preservation Review Board and Planning Commission Staff can determine if the historic and architectural characteristics of the existing sanctuary are being protected. The addition will be reviewed in terms of its conformance with the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures*.
- 6) The Applicant or current property owner must notify the Historic Preservation Review Board Staff of their plans for the James Clore House and Grant Post Office. The notification will occur at least sixty days before the buildings are moved off the site or demolished.

- 7) Parking lots may not be constructed between the building and the KY 18 right-of-way.
- 8) A Major Site Plan application must be submitted and approved by the Boone County Planning Commission before construction can proceed. The Site Plan will need to address building setbacks, site lighting, landscaping, parking and aisle dimensions, storm water detention, septic approval, etc.
- 9) This construction project must not adversely impact properties at 6632 and 6642 McVille Road in regard to additional stormwater or drainage flow. There are to be no further adverse impacts than what they are currently experiencing and there is to be no additional water runoff.

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

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perimeter would stay as recommended by Staff. Mr. Morgan stated that the trees in the rear yard along the 200-foot open area need to be evergreen trees, but for the other trees they will have the choice of deciduous or evergreen trees. Chairman Whitton stated that the requirement is that they put evergreen trees in the rear yard in the 200-foot section and the rest of the trees can be whatever they want as long as they meet the regulations.

There being no further discussion, Mr. McGruder moved to grant the Variance subject to modified Staff Comment #4 a) that the front yards of Lots #48 and #49 are to be screened with three deciduous or evergreen trees per 100 linear foot, the trees will be selected from Plant List A, B, C or D of the Boone County Zoning Regulations. A continuous two-hundred foot section of the rear yards of Lots #48 and #49 (145.54' Lot #48) (54.46' Lot #49) will be screened with 9 evergreen trees from Plant List D of the Boone County Zoning Regulations. All trees will need to meet the minimum installation size requirements. Mrs. Millar seconded the motion and it carried unanimously.

Mr. Harris stated that they can accept this option, or go back to the regular setback requirements. Mr. Morgan agreed and stated that if they meet the thirty-foot setback, the trees are not a requirement.

4. The request of Timothy Seaman for a Conditional Use Permit to allow building and parking additions to Belleview Baptist Church for property located at 6256 Main Street & 6658 Fifth Street, (Belleview), Boone County, Kentucky. The property is currently zoned Suburban Residential One/Small Community Overlay (SR-1/SC).

Staff Member Todd Morgan, AICP, presented the Staff Report which included a slide presentation (see Staff Report). He stated that Mr. McNeely has indicated that his intent is to move the historic structures on the property, but he does not know where they would be moved to at this time.

The Chairman asked for the applicant's presentation.

Mr. Harry Sparks, architect with Architectural Group International (AGI), 100 E. Rivercenter Boulevard, Covington, KY was present on behalf of the request. He stated that the applicant, Tim Seaman, is a member of their firm and was unable to be present this evening. He stated that AGI is sensitive to historic preservation and he served on the Dinsmore Board. He stated that the two historic buildings will be imposed upon by this project and they hope they will be relocated, but that is ultimately up to the property owner.

Chairman Whitton asked if there was anyone present representing the church.

Mr. Tim McNeeley, owner of the property on which the historic buildings are located, stated that their intent is to move the buildings to another piece of property to the south off Sycamore Street. He has been told that the buildings can be moved, but they have not been looked at closely yet. He would be agreeable to a condition that the houses be moved, if the expense is not too great. He is willing to move them at the cost that has been quoted to him.

Mr. Sparks stated that they have no intention of having a high bay lighting system. There would be low lighting that meets the regulations in terms of foot candles. The lighting would be subtle and non-invasive to adjacent properties. In regard to the walkway, he stated that there is advocacy for people with disabilities and they want people who are not as agile as young people to be able to get from the old sanctuary over to the new sanctuary when there is rain or snow. Spreading the buildings out is adverse to that. He stated that they selected the site for the building because it allows for a gracious front lawn. Coming down KY 18, the building sits back with an opportunity for grandeur. The buildings would serve one another better if located as proposed.

Chairman Whitton stated that Staff is concerned about backing out of the parking spaces. Mr. Sparks responded that there are twenty existing parking spaces in front of the old sanctuary and the education building that are in violation and that is an issue they will address. There are only twelve parking spaces in the additional units that have this problem. Chairman Whitton stated that there needs to be a ten-foot setback from the street to the parking area. Mr. Sparks responded that they will make that adjustment. He stated that they have to accommodate the twelve parking spaces and will work with Staff on the twenty parking spaces that back out onto Sixth Street at this time. He stated that there is not a lot of traffic on the street and most of the traffic is going to the church. There is minimal use of the parking spaces on Sunday morning, Sunday evening, Wednesday evening and an occasional meeting. He stated that they can mark the parking spaces with small signs saying that they are only to be used when all the other spaces are filled. They want to minimize the amount of parking lot coverage because drainage is a serious issue on this flat site. Less paving is better for drainage, allows for landscaping, and minimizes cost.

Chairman Whitton reviewed Staff Comment #7 d) in regard to the requirements of Major Site Plan Review. Mr. Sparks responded that they would expect those requirements.

Mrs. Millar questioned Staff Comment #7 c). Mr. Morgan responded that the Concept Plan shows the large front yard and the condition would be that no parking lot is allowed in the front yard, which is green space. The parking spaces where the vehicles are backing out would not be allowed.

Mr. Sparks asked if they could request a Variance to allow the back-out parking spaces. Mr. Morgan responded that back-out parking into a right-of-way is not a Variance item and would not be allowed.

Mr. McGruder questioned the building materials. Mr. Sparks responded that they will design a building that is in continuity with the neighborhood characteristics. This will be the largest building in Belleview and they will try to shape it in such a way as to complement and reflect the shape of the earlier sanctuary. He stated that he does not want to commit to a building material. Budget will be a factor in the material. They may need to use clapboard for budget reasons. There are a lot of existing clapboard buildings there. They may not be able to afford brick, but the building will not be dryvet, concrete block, or have a finish not suitable for the neighborhood.

Chairman Whitton asked if there was anyone else present who wished to speak regarding this application.

Carolyn Mills, 6632 McVile Road, stated that drainage comes off the parking lot. If everything is hard surface, the drainage will all go their way unless there is proper storm drainage. They have had problems with water runoff.

Mr. Morgan responded that the existing portions of the property are grandfathered. The detention system would be for the new building and parking lot unless a condition is agreed to that they will provide detention for the existing and proposed buildings. He reviewed the plan in regard to the location of the Mills property.

Mr. Darek Badin, 6642 McVile Road, indicated the location of his property and the location of his leach system. He stated that the gravel lot and the blacktopped lot drain toward his property and in a heavy rain he has septic system problems until the water recedes. More parking will add to the problem.

Mr. Morgan responded that he does not think that what is being proposed would add to the impact on those properties. However, if the adjacent properties are being impacted now, the applicant could be asked to make the existing area part of the detention system.

Chairman Whitton asked if there was anyone else present who wished to speak regarding this application. There was no response.

Chairman Whitton asked if removal and placement of the historic properties can be a condition of approval. Counselor Wilson advised that for a Conditional Use Request, the first issue is "is this particular use suitable at this particular location?" and, if the Board determines that it is suitable in this location, then the Board can look at what other things have to be done to make it as suitable as possible. He stated that Mr. McNeely indicated that he is willing to move the buildings if it is economically feasible and there could be a condition to that effect. Chairman

Whitton questioned how "economic feasibility" is determined. Counselor Wilson advised that the Board may want Mr. McNeely to speak to that question.

Mr. Morgan stated that the condition is just to contact the Historic Preservation Review Board long before the buildings are removed or demolished to see if alternatives can be agreed to in the event the Historic Preservation Review Board does not like what is being done. The owner needs to contact the Historic Preservation Review Board before moving or demolishing the buildings. Mr. Sparks suggested that the Historic Preservation Review Board be given sixty days notice. Mr. McNeely stated that they are willing to notify the Historic Preservation Review Board of their plans and will have plans drawn up once they get the lot that the houses will be moved to, but he does not want a condition saying that the historic houses must be moved. Chairman Whitton explained that the Board wants the Historic Preservation Board to be involved before a bulldozer comes to demolish the buildings – the Historic Preservation Review Board needs time to act if it is determined that it is not feasible to move the buildings.

Mr. Sparks stated that their designs will be done in such a way as to not impact any adjacent properties with any further drainage concerns. Mr. Morgan stated that there are no changes proposed in the area of the Mills or Badin properties. He asked if the applicant could make a catch basin or yard box and make it part of the detention system. Mr. Sparks stated that he will defer to the owner's recommendation. Chairman Whitton stated that the neighbors have problems already and need to be protected from additional runoff. Mr. Sparks agreed in regard to additional runoff, but stated that he does not know that they will rework the other parking lots as part of this project. Chairman Whitton stated that the neighbors need to be protected from receiving additional runoff from what they are doing. Mr. Sparks agreed.

Mr. Edwards questioned the building materials. Mr. Morgan responded that building materials are not controlled unless it is imposed as a condition. If the Board imposes Staff Comment #7 a. as a condition, the building materials will be looked at by the Historic Preservation Review Board and the Planning Staff.

There being no further discussion, Mr. Edwards moved to approve the request for a Conditional Use Permit subject to the following conditions: (1) Staff Comment #2 that the use not have activities, processes, materials, equipment or conditions of operation, or lighting 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; (2) Staff Comment #3 that the building and proposed building materials including the covered walkway be sensitive to the established character of the Small Community Overlay District; (3) Staff Comment #4 that any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area shall be traveling in a forward motion (per Section 3322 of the Boone County Zoning Regulations); (4) Staff Comment #5 that ten-foot wide street frontage

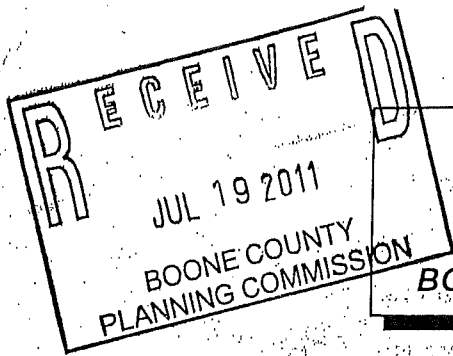
landscaping buffers be installed in those areas where new development or parking lot improvements are being proposed (per Sections 3705 and 3720 of the Boone County Zoning Regulations); (5) Staff Comment #7 a. that the Applicant shall furnish elevation plans of the addition to the Boone County Historic Preservation Review Board before applying for Site Plan approval so that the Historic Preservation Review Board and Planning Commission Staff can determine if the historic and architectural characteristics of the existing sanctuary are being protected. The addition will be reviewed in terms of its conformance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures; (6) Staff Comment #7 b. that the applicant or current property owner will notify the Historic Preservation Review Board Staff of their plans for the James Clore House and Grant Post Office. The notification will occur at least sixty days before the buildings are moved off the site or demolished; (7) Staff Comment #7 c. that parking lots shall not be constructed between the building and the KY 18 right-of-way; (8) Staff Comment #7 d. that a Major Site Plan application is to be submitted and approved by the Boone County Planning Commission before construction can proceed. The Site Plan will need to address building setbacks, site lighting, landscaping, parking and aisle dimensions, storm water detention, septic approval, etc.; and (9) This construction project is not to adversely impact properties at 6632 and 6642 McVile Road in regard to additional stormwater or drainage flow. There are to be no further adverse impacts than what they are currently experiencing and there is to be no additional water runoff. Mrs. Millar seconded the motion.

Mr. Edwards clarified in regard to Condition #6 that if it is not economically feasible to move the buildings, he does not want Mr. McNeely to have to come back before the Board. Chairman Whitton stated that the intent is that if for some reason it they are not going to move the buildings and will demolish them, the Historic Preservation Review Board will have sixty days notice to try to work something out to remedy the situation.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Edwards and it carried unanimously.

5. The request of Bartley Schneider for a Change in Non-Conforming Use to allow the construction of a building addition or placement of a modular office on property located at 1419 Tanner Road, Boone County, Kentucky. The property is currently zoned Agricultural Estate (A-2).

Mr. Edwards stated that he is personally acquainted with Mr. Schneider, both the father and son, and has done legal work for them. He stated that he would not participate in regard to this item and left the room at this time.



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 [] Variance [] Appeal []

3. [] Change in Non-Conforming Use

Applicant's Name BELLEVIEW BAPTIST CHURCH

Phone Number 250-091

Fax No.

Applicant's Address 6658 FIFTH ST.

BURLINGTON

KY

41005

City

State

Zip

4. Description of Request: ADDITION TO CHURCH BLDG & PARKING

LOT EXPANSION

5. Name of Development BELLEVIEW BAPTIST CHURCH

6. Location of Development 6658 FIFTH ST., BURLINGTON, KY 41005

7. Acreage Under Review 0.5 AC.

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

20, 22, 23, 24 & 25 - TOWN OF BELLEVIEW GRADY POST OFFICE

9. Owner of Property BELLEVIEW BAPTIST CHURCH

Address of Property Owner 6658 FIFTH ST.

Phone No.

BURLINGTON

KY

41005

City

State

Zip

11. Proposed Use(s) on Site CHURCH

12. Total Square Footage of Existing and/or Proposed Buildings 8,012 EXIST. / 4,890 NEW

13. Current Zoning on Property SRI-SC

14. Deed Book 372/888

Page No. 159/373

Group No.

2035

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:

John M. Scott trustee

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature:

John M. Scott trustee

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #11-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Belleview Baptist Church
6658 Fifth Street
Burlington, KY 41005
2. ADDRESS OF PROPERTY
6658 Fifth Street
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Belleview Baptist Church
4. DEED BOOKS & PAGE NOS. 372/159, 888/373 GROUP NO. 2035
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment: Conditional Use Permit
From _____ To
- Development Plan Conditional Zoning
- Subdivision Plat Other:
(Not Recorded)
- 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

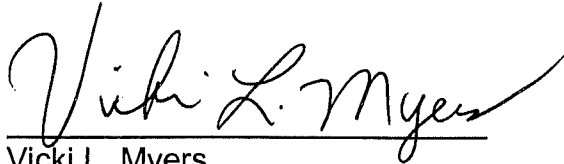
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

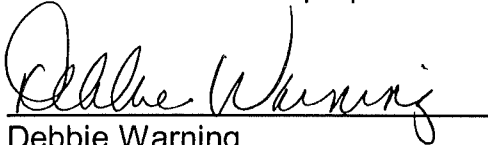
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of August, 2011.



Vicki L. Myers
Notary ID 438411
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2015

This instrument was prepared for recording purposes only by:



Debbie 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 approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of August 10, 2011 Certificate of Land Use Restriction (#11-BCBOA-009-A), for Belleview Baptist Church, Property Owner(s).

The following conditions will apply:

- 1) The approval is based on the submitted plans and elevation drawings but the Zoning Administrator may allow minor revisions to be made administratively.
- 2) The proposed parking lot shall be setback a minimum of 50 feet from the KY 18 right-of-way.
- 3) The picnic shelter shall not be constructed to the north of the proposed building or parking addition but shall be permitted to the east of the current sanctuary or south of the administrative offices.
- 4) All proposed light pole fixtures shall be directed downwards and inwards towards the church.

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

DEED BOOKS & PAGE NOS. 372/159, 888/373

GROUP NO. 2035