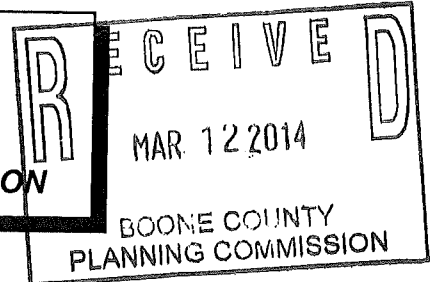


APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 WATERLOO Holiness Church
Applicant's Address 9133 Beechgrove Rd
Burlington Ky 41005
City _____ State _____
- 4. Phone Number 502-558-8748 Fax No. _____ E-Mail Pastor Fwi@gmail.com
Description of Request: 2 BUILDINGS LOCATED AT 5952+5952 JEFFERSON ST. BURLINGTON, KY 41005 038.13-00-001-00
- 5. Name of Development ~~Burlington Antiques~~ WATERLOO Holiness Church
- 6. Location of Development 5952+5954 JEFFERSON ST. BURLINGTON, KY 41005
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Betty Sallee
Address of Property Owner 8815 RICHMOND RD
UNION Ky 41091
City _____ State _____ Zip _____
- 10. Phone Number 859-384-1042 Fax No. _____ E-Mail _____
- 11. Proposed Use(s) on Site church
- 12. Total Square Footage of Existing and/or Proposed Buildings 2 Buildings - 4436 SQFT
- 13. Current Zoning on Property SR2-SC
- 14. Deed Book 885 Page No. 874 Group No. 2025 Total
- 15. Is the site subject to a zone change? _____
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? _____
- 17. Have you submitted a list of adjoining property owners with this request? _____
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

ORIGINAL Applicant's Signature: Timothy Webb Timothy WEBB
(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 3-12-14 Fee Received TRD. 0 Receipt # 068414
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
4/9/14 **Approved**
_____ **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: NONE

7. Reasons for Denial: _____

14-BCBOA 007-A

**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: Waterloo Holiness Church

LOCATION: 5952 and 5954 Jefferson Street, Boone County, Kentucky

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

DATE: April 9, 2014

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow the buildings at 5952 and 5954 Jefferson Street to be occupied by a church. The applicant has submitted a letter indicating their hours of operation and their plans for the buildings. The letter indicates that other than the possibility of a handicapped ramp, there will be no exterior improvements to either building.

RECENT SITE HISTORY

On September 8, 1993, the Boone County Board of Adjustment approved a Conditional Use Permit allowing First Church of God to be occupied by an antique store.

APPLICABLE ZONING REGULATIONS

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.

The Board needs to evaluate the 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 permits a "church" 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.

Section 2012 of the Boone County Zoning Regulations allows a church 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.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site in question for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The following passage from the Land Use Element (Burlington Area, pp. 174-175) relates to the request:

- A. "Burlington proper will continue to experience growth-related pressures. The influence of residential subdivisions in the surrounding areas, and the associated traffic, will necessitate improved traffic controls and management, particularly at KY 18 and KY 338. Central Burlington includes a National Register Historic District. Historically important structures should be protected from development pressures, or be subject to appropriate adaptive re-use to retain the character of central Burlington. This approach is encouraged in historic Burlington by a limited design review process adopted in the 2008 Boone County Zoning Regulations. As Boone County grows, there will be a greater need for public facilities and services. The 2002 Burlington Town Strategic Plan addresses the unique transportation, parking, public facilities, historic preservation, and subdivision characteristics of the area. The

new Boone County Justice Center and the Boone County Public Safety Center Complex have reinforced Burlington as the hub of local government activity. Some private investment, mainly in restaurant and shop uses, as well as the TEA-21 Transportation Enhancement Grant for sidewalks indicates momentum for investment in the town center. Appropriate architecture and placement of new or renovated buildings is critical to respect the established character of the town."

The following passage from the Preservation Element (Burlington, National Register Historic District, pp. 109-110) relates to the proposal:

- A. The Burlington Historic District presents a crucial preservation challenge. Efforts should be made to insure that a mixture of governmental, commercial, and residential activity continues to function in Burlington. Burlington has the rare opportunity to capitalize on its unique architectural landscape, small town charm and rural atmosphere. Poorly designed new construction, already apparent in several Burlington locations, will destroy this valuable character. The town's historic buildings should be rehabilitated and adaptively reused to meet the realities of a rapidly changing county, and the challenges of the 21st century. A positive step in this direction was the development in 2002 - 2003 of the Burlington Town Strategic Plan. The plan's mission statement is "to energize the central town of Burlington into a healthy business and residential center of Boone County by using the public services, special events activity, and historical character of the town as a foundation." The plan includes recommendations designed to enhance the infrastructure, streetscape, architectural design, marketing and tourism potential of Burlington. Several recommendations, including the above mentioned update of the National Register District nomination, have already been implemented.

The following Goals & Objectives from the 2010 Boone County Comprehensive Plan apply to the application:

- A. Significant historic buildings, structures and sites, archeological sites and natural features in Boone County are documented and preserved (Preservation, Goal).
- B. Plans for new or redeveloped commercial, industrial, institutional and residential sites shall be reviewed, and reasonable measures taken, to ensure identification and protection of significant historical, archeological, and architectural sites, including cemeteries (Preservation, Objective).
- C. Boone County businesses are developed in appropriate locations and are compatible with their surrounding area (Business Activity, Goal).

SURROUNDING LAND USES & ZONING

North: Single-Family Residential Dwellings Fronting on Jefferson St. and Gallatin Street (SR-2/SC)

South: Legal Services (SR-2/SC)

East: Boone County Administration Building Parking Lot (SR-2/SC)

West: Jefferson Street, Tousey House, and Souls Harbor Community Church (SR-2/SC)

SITE CHARACTERISTICS

The subject property is approximately 0.23 acres in area and is located on the southeast corner of Jefferson Street and Gallatin Street. The lot contains two buildings. The first is the former Burlington Methodist Episcopal Church Building which was initially constructed in 1837. The building is 2,584 square feet (76' x 34') in area and contains a basement. The second building is the former rectory for the church, which was constructed in 1855. The building is 1,852 square feet in area and also includes a basement. A small parking lot is located behind the buildings. Access to this lot is provided from Gallatin Street and Jefferson Street. Boone County GIS shows that the topography of the property falls slightly from 848 feet above sea level at the southeast property corner to 846 feet above sea level at the northwest property corner.

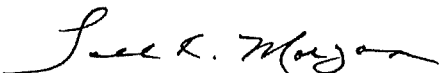
STAFF COMMENTS

1. Staff received a letter from the County Administrator, which allows the church to use the Boone County Administration lot for parking.
2. Boone County Building Department informed Staff that Kentucky Building Code does not require churches to be handicapped accessible.
3. Staff would like the applicant to address the following questions:
 - A. Is a handicapped ramp going to be added to the church in the future?
 - B. How many seats will be located in the church sanctuary?
4. A Minor Site Plan application will need to be submitted to Boone County Planning Commission if a handicapped ramp is constructed. The County or State will need to sign off on the application if the improvement is located in the KY 338 or Gallatin Street right-of-way.
5. The Board needs to analyze the Conditional Use Permit criteria before acting on the request.

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,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

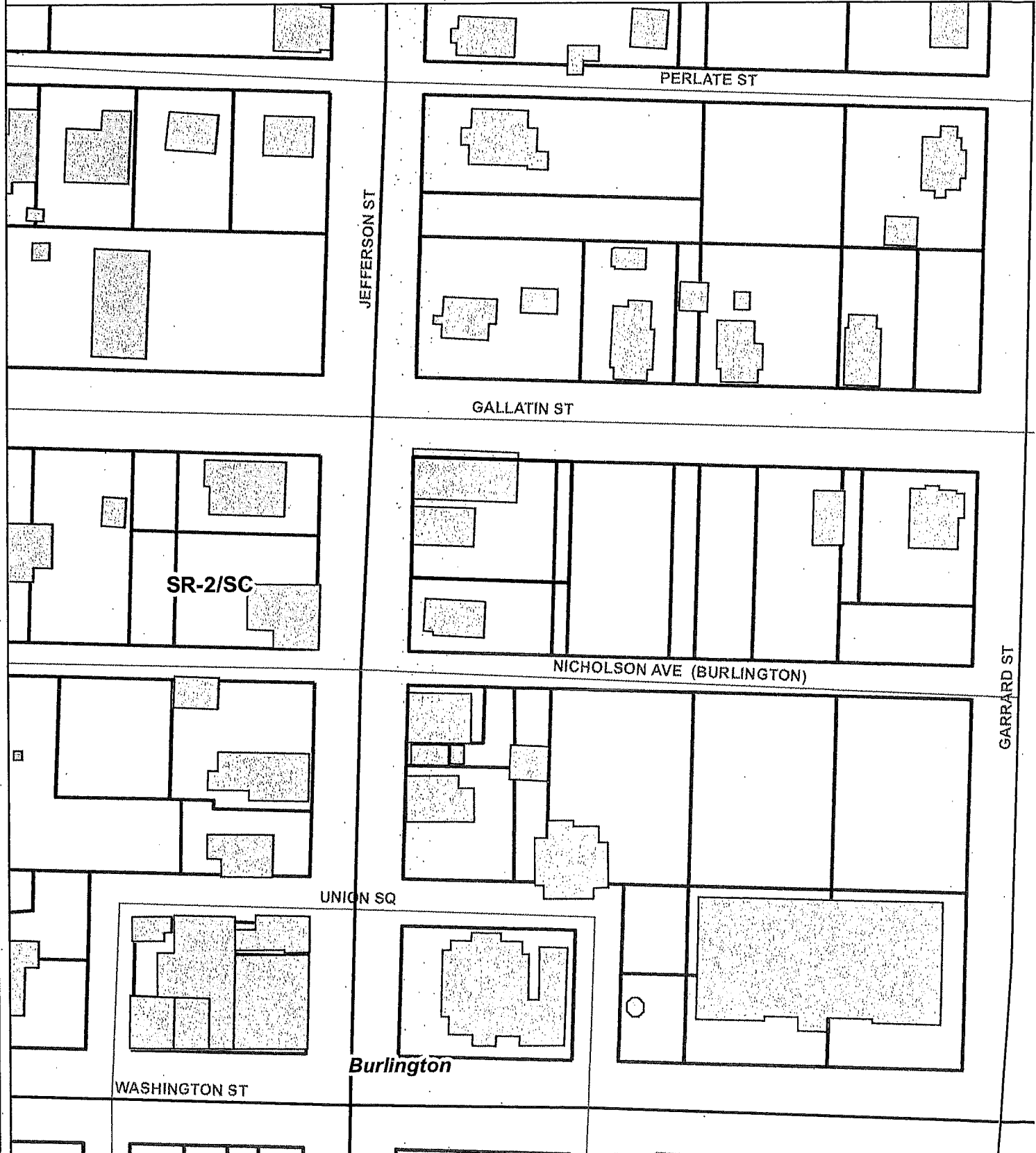
TKM/tlb

Attachments

- *Site Vicinity Map
- *Letter From Applicant
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *2012 Aerial Map
- *Letter from the County Administrator
- *Short descriptions of the buildings
- *PVA Property Card
- *Application

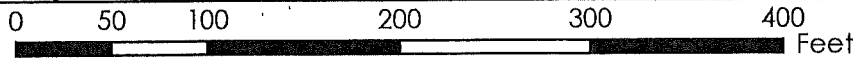
SITE VICINITY MAP

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2013

Base File: TractMap 2013 103
ArcMap Document: *.mxd

Waterloo Holiness Church

9133 Beechgrove Rd

Burlington, KY 41005

To whom it may concern,

We are in the process of purchasing the property located at 5952 & 5954 Jefferson Street in Burlington as our new location for worship and church activities.

The church address will be 5952 Jefferson St. The operating hours of Waterloo Holiness Church will be Sunday mornings from 10:00 am-12:15 pm, Sunday evenings 6:00 pm- 8:00 pm and Wednesday evenings 7:30 pm-9:00 pm. We will be setting the sanctuary seating up for approximately 80 people.

The building address of 5954 Jefferson St. is the current location of "Look What I Found" Antique Store. The current tenant will continue to lease for at least one year. Their business operating hours are Sunday from 12:00 pm-4:30 pm, Wednesday-Saturday from 10:00-approximately 5:00 pm. The future plans for this building are for church storage and Sunday school.

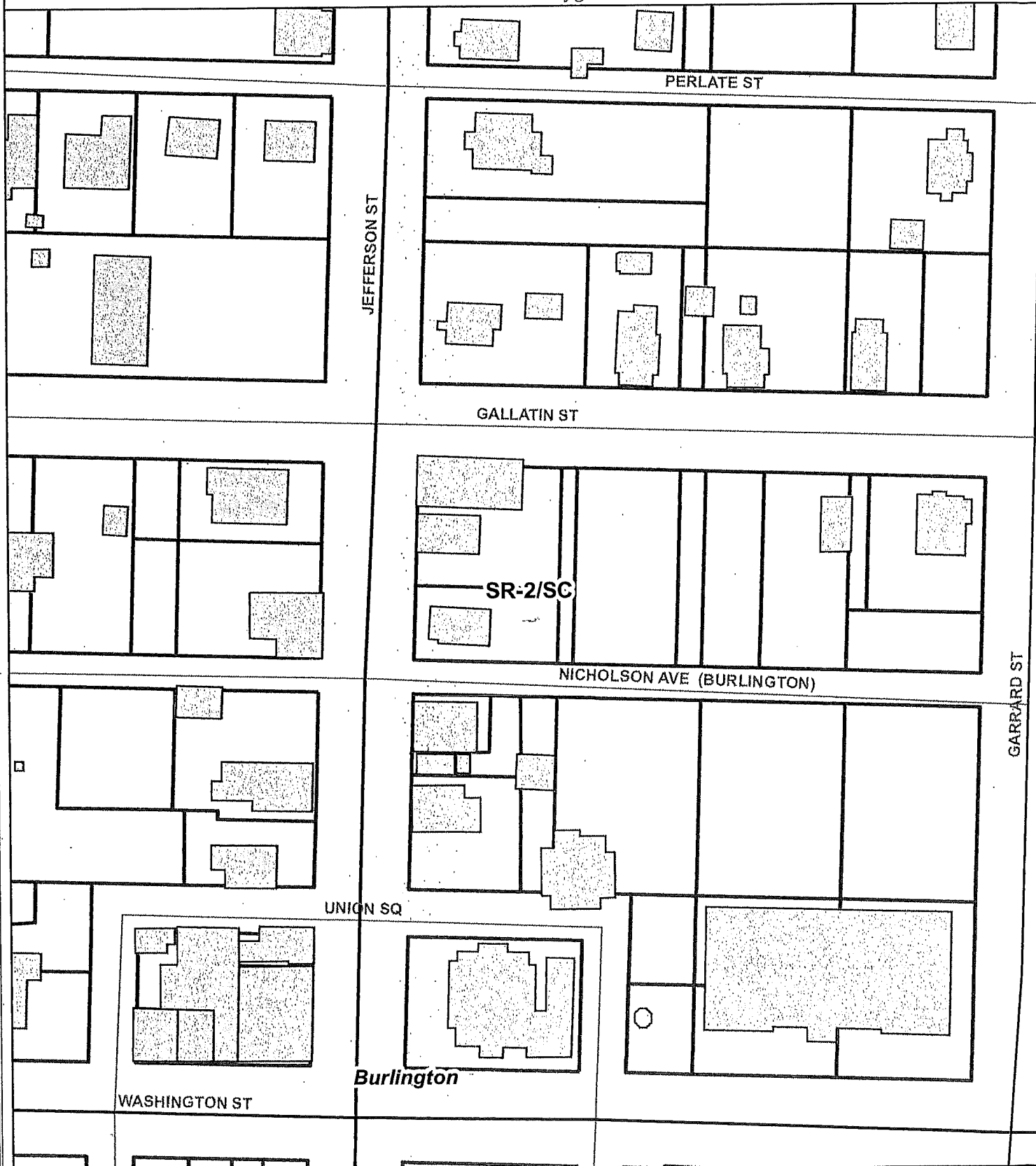
There will be no exterior changes to either building except for the possibility of a handicap ramp.

Thank you,

Pastor Timothy Webb

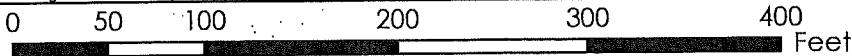
ZONING MAP

www.boonecountygis.com



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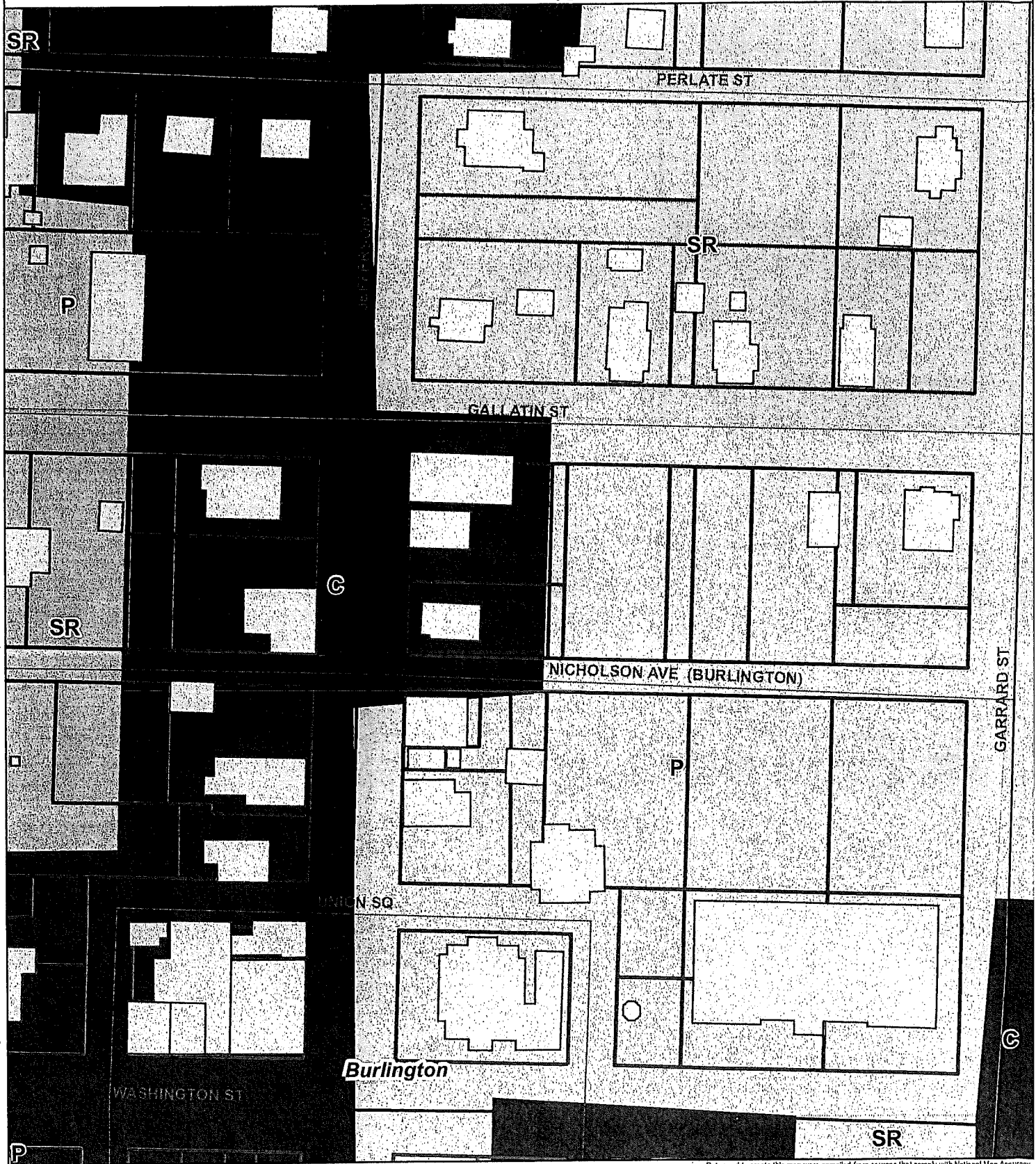
1 Inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

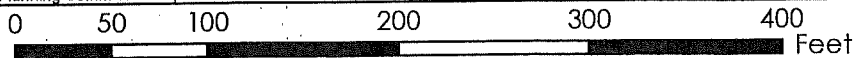
2035 FUTURE LAND USE MAP

www.boonecountygis.com



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1 inch = 100 feet



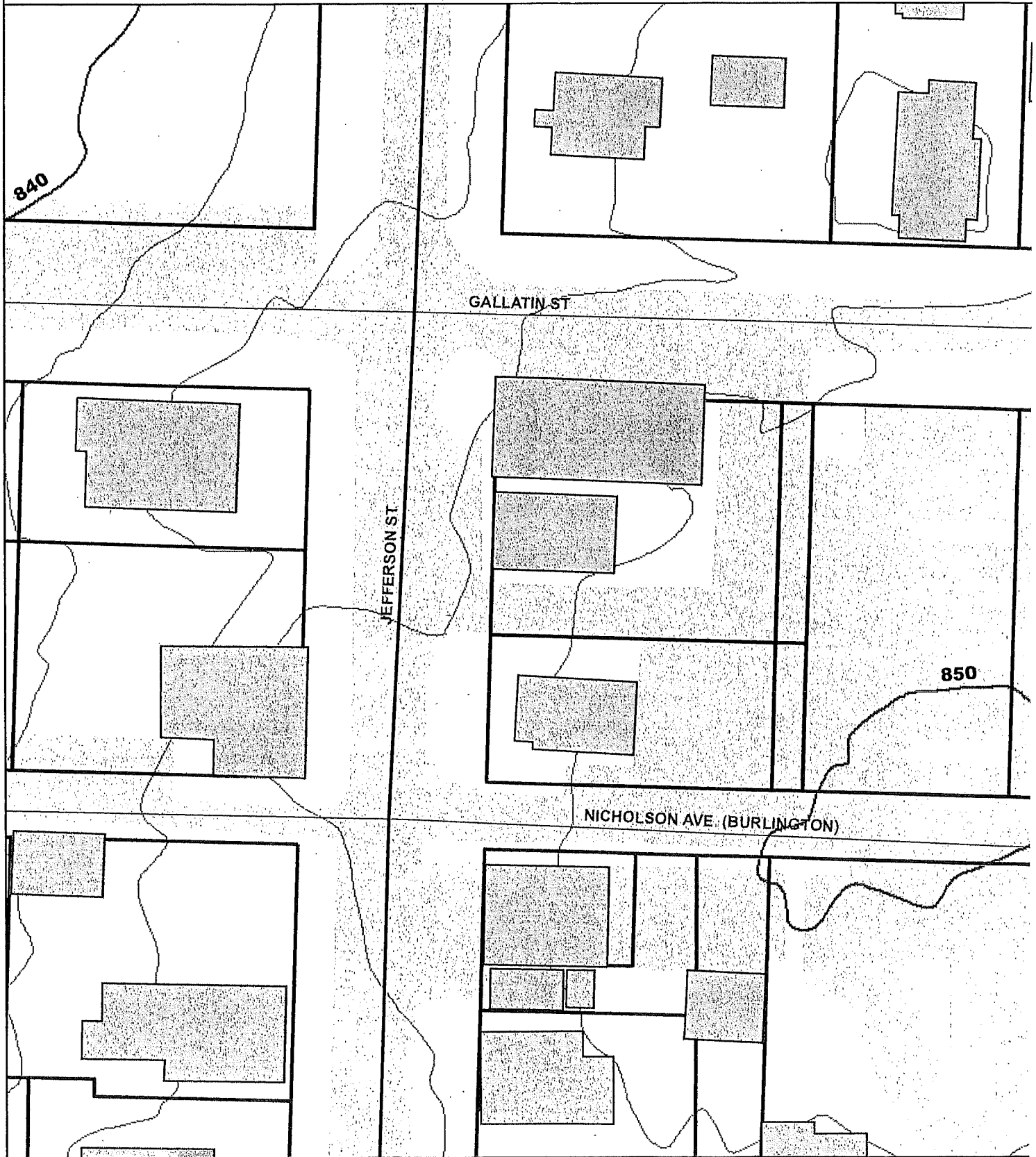
Boone County GIS - Putting Northern Kentucky on the Map

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See Plan Kentucky from 1913-1914
ArcMap Document: *.mxd

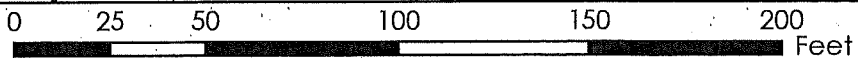
TOPOGRAPHICAL MAP

www.boonecountygis.com



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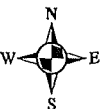


1 inch = 50 feet



Map Created: 01/01/2013

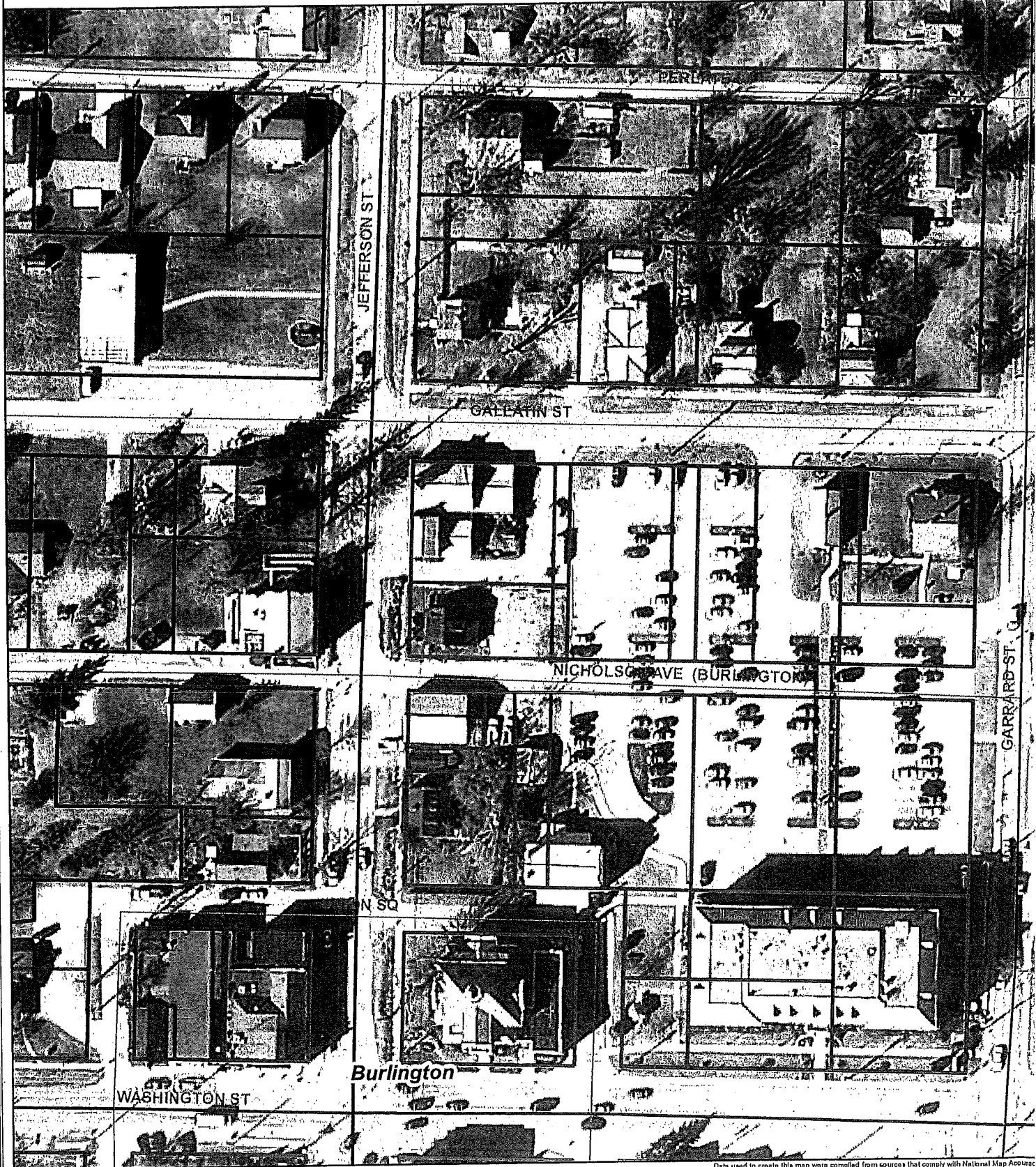
Boone County GIS - Putting Northern Kentucky on the Map



File Path: \\boonecounty\gis\maps\913
ArcMap Document: *.mxd

2012 AERIAL MAP

www.boonecountygis.com



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0 50 100 200 300 400 Feet

1 Inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

GARY W. MOORE
County Judge/Executive
(859) 334-2242



JEFFREY S. EARLYWINE
County Administrator
(859) 334-2242

LISA H. BUERKLEY
Asst. County Administrator
(859) 334-3653

OFFICES OF THE COUNTY JUDGE/EXECUTIVE

www.BooneCountyKy.org

P. O. Box 900
Burlington, KY 41005
FAX (859) 334-3105

March 13, 2014

Denise McCoy
Re/Max Affiliates
Burlington, KY 41005

Dear Ms. McCoy:

Thank you for your inquiry regarding parking for the property at 5952/5954 Jefferson Street, Burlington, KY. We have reviewed our file as to the scope and extent of previous approvals that have been granted for use of the parking facility behind the Boone County Administration Building (2950 Washington Street). Upon review, I am comfortable in granting approval of use for your client, purchasing the property at 5952 and 5954 Jefferson Street, for off-street parking to support a proposed church. As we discussed, there may be specific times that the parking lot is not available for use, attributable to a public function or event at our building and/or sponsored by the county.

I trust this response has been satisfactory to your inquiry. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "JEFF EARLYWINE".

Jeff Earlywine
County Administrator



Todd Morgan

From: Matt Becher
Sent: Thursday, March 27, 2014 1:10 PM
To: Todd Morgan
Subject: RE: Burlington Methodist Episcopal Church

Todd, this is what the National Register nomination has to say about the adjacent building. My understanding is that it was built to serve as a rectory for the pastor of the church some 20 years after the church was completed.

Sallee House (BE-135), 5954 Jefferson Street (1855): 3-bay Federal-style residence of brick construction, with laterally-oriented gable roof and main entrance offset on the south side of the facade, suggestive of a side-passage interior plan; fenestration flat-topped, with stone sills and lintels; one interior gable-end chimney on north gable end.

Matt

From: Todd Morgan
Sent: Thursday, March 27, 2014 12:23 PM
To: Matt Becher
Subject: RE: Burlington Methodist Episcopal Church

Do you have a short description of the other building on site (5954 Jefferson)? The church is proposing to occupy this building as well once the antique shop lease expires. They will use the building at 5954 Jefferson for classroom space.

From: Matt Becher
Sent: Thursday, March 27, 2014 11:20 AM
To: Todd Morgan
Subject: Burlington Methodist Episcopal Church

Todd,

I do have a short description of the church from the 2005 Burlington National Register nomination, as follows:

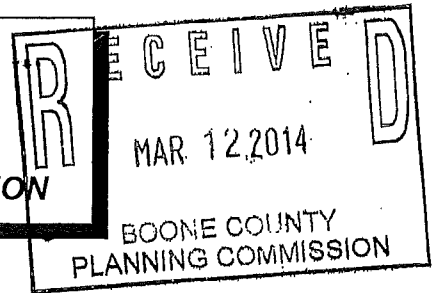
Burlington Methodist Episcopal Church (BE-134), 5952 Jefferson Street (1837): single-story Greek Revival-Gothic Revival transitional religious building, with gable roof and gable-end orientation; single-stage belfry on the ridgeline above main entrance on the facade; three bay facade with centered entrance and bay spacing articulated by pilasters; fenestration on the facade is flat-topped, lancet arched on the side elevations, with religious art glass; 1-story addition on the rear (east) elevation.

The number (Be-134) is the Kentucky Historic Inventory #. It's a 1 page form and I can put a copy in your box later.

Thanks,
Matt Becher, AICP
Rural/Open Space Planner
Boone County Historic Preservation Review Board
2950 Washington St., Room 317
PO Box 958
Burlington, KY 41005
859-334-2111
mbecher@boonecountyky.org

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 WATERLOO HOLINESS CHURCH
Applicant's Address 9133 Beechgrove Rd
Burlington Ky 41005
City _____ State _____
Phone Number 502-558-8748 Fax No. _____ E-Mail Pastor fwi@gmail.com Zip _____
 - Description of Request: 2 BUILDINGS LOCATED AT 5952+5952 JEFFERSON ST. Burlington, KY 41005 038.13-00-001-00
 - Name of Development: ~~Burlington Antiques~~ WATERLOO HOLINESS CHURCH
 - Location of Development: 5952+5954 JEFFERSON ST. Burlington, KY 41005
 - Acreage Under Review _____
 - Lot Number and Name of Subdivision (if part of a subdivision) _____
 - Owner of Property Betty Sallee
Address of Property Owner: 8815 RICHMOND RD
UNION Ky 41091
City _____ State _____ Zip _____
Phone Number 859-384-1042 Fax No. _____ E-Mail _____
 - Proposed Use(s) on Site church
 - Total Square Footage of Existing and/or Proposed Buildings 2 Buildings - 4436 SQFT
 - Current Zoning on Property SR2-SC Total
 - Deed Book 885 Page No. 874 Group No. 2025
 - Is the site subject to a zone change? _____
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? _____
 - Have you submitted a list of adjoining property owners with this request? _____
 - 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: Betty W. Sallee
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Timothy Webb Timothy WEBB
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

[COPY]

CLUR #14-BCBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Betty Sallee
8815 Richmond Road
Union, KY 41091

2. ADDRESS OF PROPERTY

5952 Jefferson Street
Burlington, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Waterloo Holiness Church

4. DEED BOOK 885

PAGE NO. 874

GROUP NO. 2025

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

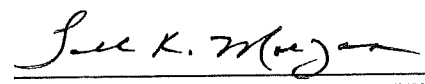
Subdivision Plat
(Not Recorded)

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



SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, 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 10 day of April, 2014.



Vicki L. Myers

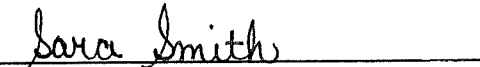
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Sara Smith

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 April 9, 2014 Certificate of Land Use Restriction (#14-BCBOA-007-A), for Betty Sallee, Property Owner(s).

The following conditions will apply:

No conditions.

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 885

PAGE NO. 874

GROUP NO. 2025