

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED 74120 SEP 08 2016 BOONE COUNTY PLANNING COMMISSION

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

See Boone County Zoning Regulations

P \$782.00 SEP 08 2016 CK# 2413 BOONE COUNTY PLANNING COMMISSION D

SECTION A (To be completed by applicant)

- (Check One) 1. Boone [checked] Florence _____ Walton _____ Union _____ (Check One) 2. _____ Conditional Use Permit _____ Variance _____ Appeal _____ Change in Non-Conforming Use _____ 3. Applicant's Name STEVE A. HANKINS (Cornerstone Baptist Church) Applicant's Address 3920 Petersburg Rd, Burlington KY 41005 City State Zip Phone Number 859-991-8265 Fax No. _____ E-Mail Cornerstonebaptistchurch@yahoo.com 4. Description of Request: Removal of conditional use #7 which states 'The parking area is to be secured to deny vehicular access in times of non-use, 5. Name of Development Cornerstone Baptist Church 6. Location of Development 3920 Petersburg Rd. Burlington KY 41005 7. Acreage Under Review 5.5411 acres 8. Lot Number and Name of Subdivision (if part of a subdivision) Long Estates Subdivision Lot # 8 & 9 9. Owner of Property Cornerstone Baptist Church Address of Property Owner 3920 Petersburg Rd Burlington KY 41005 City State Zip Cell 859-991-8265 Phone Number 859-689-9920 Fax No. _____ E-Mail _____ 10. Proposed Use(s) on Site Parking 11. Total Square Footage of Existing and/or Proposed Buildings N/A (57,000) 12. Current Zoning on Property RSE 13. Deed Book 126,179 Page No. 300,39 Group No. 2003 14. Is the site subject to a zone change? _____ If yes, give date of approval _____ 15. Have you submitted a Site Plan with this request? _____ 16. Have you submitted a list of adjoining property owners with this request? yes 17. 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: Virgil Stumper chairman of trustees (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Virgil Stumper (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 9/8/16 Fee Received \$782.⁰⁰ Receipt # 74120
2. Is application complete? Yes No
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 10/12/16
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

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: Steve A. Hankins for Cornerstone Baptist Church

LOCATION: 3920 Petersburg Road, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE)

DATE: October 12, 2016

PROPOSAL

The applicant has submitted an application to allow condition #7 from their June 14, 2000 Conditional Use Permit approval to be removed. The condition requires the church parking area to be secured to deny vehicular access in times of non-use.

PERTINENT SITE HISTORY

On June 14, 2000, the Boone County Board of Adjustment approved a Conditional Use Permit allowing a church on lots 8 and 9 of Long Estates Subdivision. The approval contained seven (7) conditions of approval (see attached meeting minutes).

On July 12, 2000, the Boone County Board of Adjustment approved a Conditional Use Permit allowing the removal of a berming condition that was imposed on the rear and side property lines of lots 8 and 9 of Long Estates Subdivision. The request was approved with conditions (see attached meeting minutes).

On September 7, 2000, Boone County Planning Commission approved a Site Plan for the subject building. The plan shows the required chain gate.

On August 1, 2016, Boone County Planning Commission Staff sent the applicants a letter to make them aware that they were in violation of their June 14, 2000 Conditional Use Permit approval (see attachments).

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment is to act on Conditional Use Permit applications.

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 & 913 of the Boone County Zoning Regulations. *Listed below.*

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 913 of the Boone County Zoning Regulations allows "churches" as conditional uses in the RSE zoning district subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided that:

- a) The activity is an integral and subordinate function of a permitted agricultural, recreational, or residential use; or
- b) The activity will not contradict the semi-suburban, open space character of the district;
- c) Require or contribute to infrastructure need above that common of the district's permitted uses;
- d) Is of direct relation to and in support of the purpose of the district; and
- e) The arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's 2035 Future Land Use Plan designates the site for Public/Institutional (P) uses. This designation is defined as government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc.

The following Goals and Objectives relate to the request: *are listed below*

- a. *pertinent* Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged with appropriately planned and designed neighborhood developments (Overall, Objective).
- b. Proper design principles shall be applied in development (Overall, Objective).
- c. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).

SITE CHARACTERISTICS

The church property is approximately 5.54 acres in area and has 306 feet of frontage along Petersburg Road. The property contains an 11,520 square foot church (60' x 96' x 2), which is constructed predominately with brick, a 77 stall parking lot, and an field with a batting backstop. Access to the church is provided from a single curb cut located on Petersburg Road. Boone County GIS shows that the parking lot is located approximately 415 from the northern property line, 145' from the southern property line (Petersburg Road right-of-way), and 5' from the eastern property line. The topography of the parcel is relatively flat.

STAFF COMMENTS

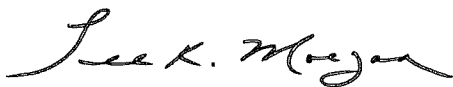
1. The church has written a letter indicating why they believe the subject condition should be removed.
2. Staff has attached the June 14, 2000 and July 12, 2000 Boone County Board of Adjustment meeting minutes onto the Staff Report. Page 14 of the June 14, 2000 meeting minutes contains the following passage:

"Ron Stinson, Pastor of Cornerstone Baptist Church, stated their request was turned down at the last meeting and they have made some revisions. He stated that they want to fit in with the neighborhood. He reviewed a letter from the Kahmann family and stated their concerns are important. He stated that they will see that the lot is secure at all times for the Kahmann's benefit and for the benefit of the church."
3. Staff would like to mention that the church parking lot was added onto without approvals sometime between 2002 and 2004. The parking lot addition is considered to be grandfathered because it has existed for 10 years or more without enforcement action.

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 request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

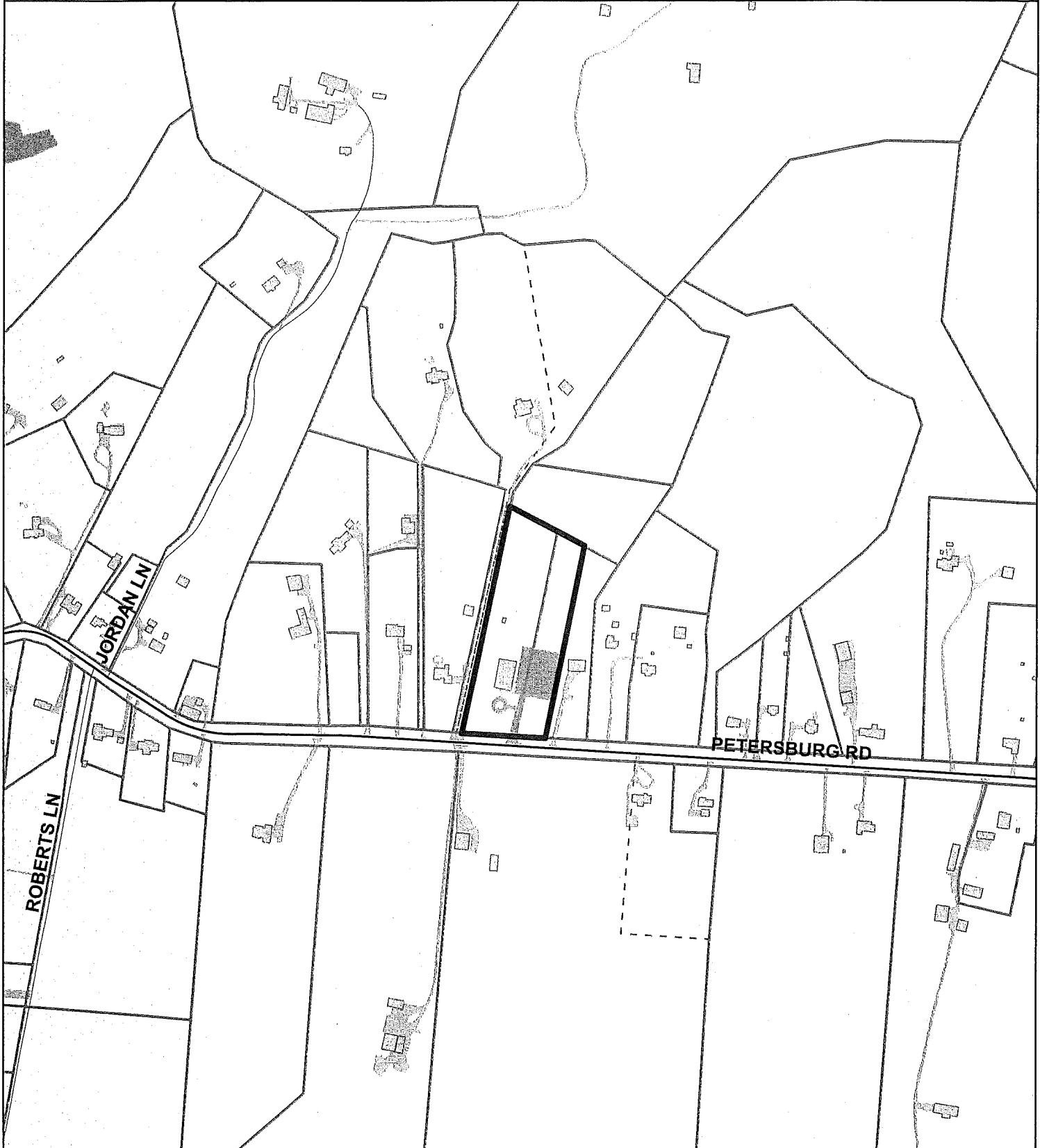
TKM/tlb

Attachments

- *Site Vicinity Map
- *Letter from Cornerstone Baptist Church
- *7/19/16 Letter From Boone County Planning Commission to Applicants
- *6/14/00 BCBOA Meeting Minutes
- *7/12/00 BCBOA Meeting Minutes
- *2002 Aerial Map
- *2004 Aerial Map
- *2016 Aerial Map
- *Topographical Map
- *Zoning Map
- *2035 Future Land Use Map
- *Application

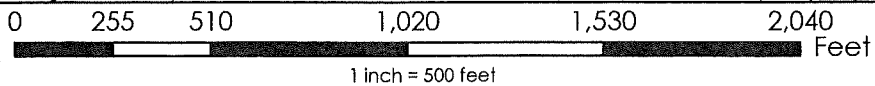
SITE VICINITY MAP

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.



Boone County GIS - Putting Northern Kentucky on the Map

CORNERSTONE BAPTIST CHURCH

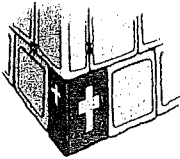
Rev. Steve Hankins

3920 Petersburg Road,

Burlington, KY 41005

859-689-9920

Cornerstonebaptist.church@Yahoo.com



BY CHRISTART.COM

Boone County Planning Commission,

In response to the letter dated August 1, 2016 stating that Cornerstone Baptist Church is in violation of the Boone County Zoning Regulation , 3920 Petersburg Rd, Burlington KY PIDN 024.00-01-088.00; specifically, condition 7 which states, "The parking area is to be secured to deny vehicular access in times of non-use." The church has been at our location for sixteen years and this is the first complaint against us.

I have spoken to Mr. and Mrs. Kahmann, the neighbor to our west and believe we have resolved their concerning issue, i.e. a travel home which was parked in the lot with a generator running and we believe her complaint is legitimate. The Cornerstone Church Trustees have discussed this and will assure no travel homes will be permitted to use the parking area who are not a guest of the church. Guest speakers who have their own Travel Home will hook up to the church's electric to circumvent any need for a generator. A Travel Home in our parking lot has only been on a rare occasion, remembering only a few times this accommodation was needed in the last 9 years that I have been pastor.

Rather than questioning the interpretation of phrase "times of non-use" we wish to have this condition 7 removed for the following reasons.

-A cable had been used to close off the parking lot at the entrance of the drive. This gave a negative appearance to the community making the church fellowship seem cold, closed off and unwelcome; as one neighbor commented, "uninviting". This is not the kind of image we want to give to the neighbors and others as they travel pass our church daily.

- The cable at the driveway entrance proved ineffective as it was knocked down several times each year apparently by vehicles simply attempting to turn around. It would be repaired, only for it to happen again soon afterwards. It is unknown if any damage was done to the vehicle but repair cost to our post and or cable was an ongoing expense.

- The cable at the driveway entrance revealed itself to be a hazard when several cars arrived at the same time with the cable still in place and locked with only one car having room to get off the highway. (I personally was stuck on the road with a gravel truck quickly coming up behind me so I had no choice but to pass the church and find a place down the road where I could safely turn around. But I still could not safely get off the road to unlock the cable with the other vehicle in front to the locked cable. That was when we asked to move the cable back to just before the parking area five or six years ago.

- This too proved to be a hazard when one of our elderly gentlemen arrived for church sometime around dawn and not seeing that the cable was still in place, he ran through it, damaging his car and pulling the post to which it was attached out of the ground. Had the cable broken through his window shield or the post given way on the driver's side there could have been a fatality.

- I asked that the cable no longer be put in place because of the obvious hazard and property damage that it has incurred. Anyone not familiar with the lot could run into it at night simply trying to turn around in the lot. My concern was for the safety of our church members but also for the liability and safety of others and who may use the lot as a safe place to turn around.
- Having the lot accessible rather than cabled off allows a safe place to turn around off the busy highway.
- Without the cable our neighbors can use a few of the parking spaces for visiting guests.
- On occasions I have been asked by individuals to use the lot due to their driveway being too full of ice, someone needed to get their car off the road due to a break down, a family needed a place to park additional vehicles for a holiday or family event. These are rare events but are a service to our community.
- As a good neighbor without the cable the parking lot is a way our church can give to and serve our community.
- I have observed with the cable down linemen, delivery truckers and others have had a place to get off the road to eat their lunch, and it provides a safe place for other travelers to turn around.
- Without the cable parents have brought their children to use the play ground equipment on a few occasions, little league has been able to use the ball field, and a few church youth have access to the basket ball goal.
- As a good neighbor we believe we are to be a community church serving our community. For example we gladly allow the local Bullittsville voting precinct to be in our church facility.
- As a good neighbor should a sister church or ministry need some additional parking due to a revival, homecoming or other outreach event we want to be on like mission with them allowing them a temporary access to our parking facility.

Though we are asking that our lot not be cabled off we will still continue to have the parking area observed by our neighbor to our east, as well as by other church members who often travel pass. Any suspicious activity is reported to the pastor and or the trustees and is addressed. It is to our interest to not want any misuse of our parking area as well but we do not want to give an unwelcome appearance in any way to our community nor continue to have a hazardous situation to life and or property which has occurred in the past.

Sincerely,

Pastor Steve Hankins



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

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P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

July 19, 2016

Cornerstone Baptist Church
PO Box 406
Hebron, KY 41048

RE: Violation of the *Boone County Zoning Regulations*, 3920 Petersburg Road, Boone County, Kentucky, PIDN 024.00-01-008.00

To Whom It May Concern:

The Boone County Planning Commission has been made aware and observed that you are in violation of the conditions of approval of your Conditional Use Permit granted by the Boone County Board of Adjustments on June 14, 2000.

Specifically, condition 7 which states, "the parking area is to be secured to deny vehicular access in times of non-use" is not being met. Additionally, RV parking, overnight parking, and parking vehicles with the purpose of shuttling visitors to the Creation Museum are all strictly prohibited uses of the parking area.

If this situation is not resolved immediately, legal action will be taken against you.

Regards,

Vinnie Fazzino
Zoning Enforcement Officer

VF/tlb

enclosure

cc: Todd Morgan, AICP, Senior Planner

[COPY]

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 June 14, 2000 Certificate of Land Use Restriction (#00-BCBOA-020-A), for Norma Long, Property Owner(s).

The following conditions will apply:

1. Applicant must meet Buffer Yard B size (20') and Buffer Yard C planting specifications.
- ~~2.~~ Applicant must provide a four (4) foot berm along the east, west and north property lines.
3. The building must have a stone front and vinyl sides.
4. A low profile lighting system must be used in the parking lot if security lighting is required.
5. The applicant is required to submit and obtain approval of a Major Site Plan from the Planning Commission Staff.
6. The parking area is to remain on the east side of the property.
7. The parking area is to be secured to deny vehicular access in times of non-use.

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

DEED BOOK 126, 179PAGE NO. 300, 39GROUP NO. 2003

Mr. McGruder asked for clarification between Buffer Yard A and Buffer Yard B. Mr. Homer explained that if there are no conditions of approval, the applicant only has to meet the space requirements and not do the plantings. He is asking that they meet the Buffer Yard B planting requirements because of the amount of parking in front of the property.

Mr. Meyers responded that according to the Ordinance, they do not have to have any trees if they do Buffer Yard A. He knows that the franchisee will do plenty of landscaping. They do not want to do so much in size and type of trees that they will eventually grow and the Waffle House will not be able to be seen. Mr. Homer responded that Buffer Yard A is five small trees, any three large/medium trees or evergreens, twenty shrubs, and ground cover. Buffer Yard B is three evergreens, and four large trees/medium trees, small trees or additional evergreens, or any combination, and twenty shrubs where it adjoins paved areas, per 100 feet. He stated that he is basically adding one more tree.

Counselor Wilson explained that Staff is not proposing Buffer Yard B plantings as a requirement to meet the Code, but asking the Board to impose it as a condition.

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

There being no further discussion, **Mr. McGruder moved to grant the Conditional Use Permit subject to Staff Comments #2 and #3, with Staff Comment #2 clarified to explain that the applicant is to meet Buffer Yard B planting requirements and not the footage requirement. Mr. Edwards seconded the motion and it carried unanimously.**

7. **The request of Cornerstone Baptist Church for a Conditional Use Permit to allow a church to be constructed on Lots 8 & 9, Long Estates Subdivision, Petersburg Road, Boone County, Kentucky. The property is currently zoned Rural Suburban Estates (RSE).**

Staff Member Mike Homer presented the Staff Report which included a slide presentation (see Staff Report). He submitted copies of two letters received after the Staff Report was completed (see Exhibits 3 and 4).

Mr. McGruder stated that when this site was reviewed previously, Staff was concerned whether the location was appropriate for a church because of the 194-foot wide lot and several adjacent residents. He noted that the Zoning Regulations say the use is not to contradict the semi-suburban open space character of the district. Mr. Homer responded that 5.5 acres is sufficient for this church – but it is crucial that the church maintain the residential character of the area with a brick façade. Mrs. Millar questioned the total width of the property

now. Mr. Homer responded "306.02 feet". Mrs. Millar commented that there will be no parking on the side of the property where the residences are now. Mr. Homer responded that that is the way this Site Plan is drawn, and it could be a condition of approval.

Mr. Ryan asked for the applicant's presentation.

Ron Stinson, Pastor of Cornerstone Baptist Church, stated that their request was denied at the last meeting and they have made some revisions. He stated that they want to fit in with the neighborhood. He reviewed a letter from the Kahmann family and stated that their concerns are important. He stated that they will see that the lot is secure at all times for the Kahmann's benefit and for the benefit of the church. They will work with the neighbors and can assure the Board that there will be low level security lighting. They will move the parking lot from the west side to the other side so that there is nothing but green space between the church and the Kidders and Kahmanns. He stated that they paid Hicks & Mann \$6,000 for advice concerning the location of the building and parking lot relative to water drainage and can assure the neighbors to the west that all of the runoff from the building and parking lot will be addressed. The parking lot will be graded so that the water will run to the back of the church property. There will be no problems caused by their construction. He stated that they take exception to the six-foot high fence as it would be bulky and would not fit in with the surrounding area. They would be willing to leave the existing fence and put up a berm as suggested by the Kahmanns. In regard to concerns expressed by the Board at the last meeting, he stated that the width of the land has been addressed. They have an Option to Buy Lot #9 with the stipulation that they are granted a Conditional Use Permit. The total acreage of Lot #8 and Lot #9 combined is 5.5411 acres and the total frontage is 306.02 feet. The back of the lot would be 316.05 feet. He stated that the building would set 161.75 feet from the road, not including the 40-foot buffer zone from the center of the road. If the 40-foot area is included, then their building is 201.75 feet from the center of the road. He stated that they will put stone on the front of the building with shrubbery, and the sides will be vinyl sided. He noted that the neighbors said that wood, vinyl, or brick would be acceptable. He stated that one of the neighbors has a vinyl house. He stated that they have met the concerns raised by the Kahmanns and the Board and requested approval of the permit.

Mr. Ryan questioned the Pastor's comments regarding the fence.

Pastor Stinson responded that the neighbors stated that it would be acceptable to leave the present fence and add a four-foot buffer, which they are willing to do. He stated that a six-foot high fence around the property would be bulky and would not fit in with the décor of the surrounding area. It would take away from the look of this property and the neighbors' properties. Mr. Homer asked if the Pastor was saying a four-foot high buffer or a four-foot high berm. Pastor Stinson responded "a four-foot high berm on the side where the residents are now". He

named numerous churches in the community that do not have a wooden fence around them. Mr. Ryan commented that some of the neighbors have livestock. Pastor Stinson agreed and stated that there is fencing all around the site at this time. He believes that the six-foot high fence would not be for the livestock – it would be for security and looks. He does not feel that a six-foot high fence would deter crime and will not stop the view from a 24-foot structure. He stated that they would be willing to put six-foot high evergreen trees around that side to block the view. He does not understand the concern about noise and feels that the noise factor will be minimal. He does not think a six-foot high fence would be a deterrent to noise.

Mrs. Millar stated that Staff Comment #2 recommends the church meet Buffer Yard B with Buffer Yard C planting specifications. She asked, “are you in agreement?”. Pastor Stinson responded “yes”. Mr. Ryan questioned the comments about the berm and buffer area. Mr. Homer responded that the Pastor is saying “buffer”, but he means “berm”. He explained that the berm would be a four-foot high mound in lieu of a fence. Mr. Ryan asked if the buffer or the berm is more economical. Mr. Homer responded that he did not know, but stated that an option would be to include the berm as part of the buffer yard and put the trees and shrubs on top of the berm, which would likely then be six-foot tall. He stated that this could be a condition. Mr. McGruder clarified that in lieu of a six-foot high privacy fence, the applicant proposes a four-foot berm and Staff Recommendation #2 for Buffer Yard B with Buffer Yard C plantings. Mr. Homer explained that in the twenty-foot buffer yard would be a four-foot berm, and it could be a four-foot planted berm. The Buffer Yard C plantings could be on top of the berm for additional height. Mr. McGruder asked the Pastor, “are you agreeable?”. Pastor Stinson responded “yes”.

Mr. McGruder referred to Staff Comment #4 and the brick façade. He stated that the Pastor offered a stone front and vinyl sides. He questioned which way the building would face. Pastor Stinson responded that the front of the building would be sixty feet wide, it will face KY 20, and it will have stone on it.

Mr. McGruder questioned how they plan to ensure that the parking lot will be secure. Pastor Stinson responded that they will gate the front entrance and will have security lighting. There will be an alarm system inside the building. Mr. Ryan commented that a gate at the front of the church does not seem like a good idea. Pastor Stinson responded that they would prefer not to do it. He does not feel that anyone who wanted to break in would be deterred by a gate or a six-foot high fence, or by lighting. The best crime prevention is the neighbors.

Mr. McGruder stated that in some of the correspondence, there was a request that the berm run along the west property line and to the rear. He asked if that is their intention. Pastor Stinson responded that he does not know what the purpose would be to run it to the rear. There is a house back there, but it is so far away that it is barely visible. They prefer not to put the berm in the back of the lot.

Mr. Ryan asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition or having questions.

Robin Kidder thanked those who took the time to look at the site. She lives at 3942 Petersburg Road and this Conditional Use Permit would directly affect her and her family and whether they move from Boone County. They do not want to live next to a church, a parking lot, and lights. The church will not generate revenue or taxes for the state. If the property is left residential, it would generate more revenue for the county and state. She stated that until the last request, no church request had been turned down in Boone County – why are their needs greater than the residents’ needs? She stated that the church previously bought land at 3505 Petersburg Road, but the residents were able to buy the land back and stop the church – but they do not have that option. She asked the Board to tell the church to build in a more appropriate place. The church can afford to build anywhere. Why can’t they build on a site already zoned for their needs? She stated that their lives will be irrevocably affected by the Board’s decision and they will have to deal with the increased traffic, loss of security, and loss of tranquility. She stated that the churches mentioned by the pastor (those without fences) were built before the homes and people chose to live next to them. She chose to move to a rural residential area away from crowds, parking lights, and business. She stated that the use will change the essential character of the area. She quoted Earl White’s comment in regard to the Hilltop request, “I could not vote for the project for the simple reason that the people who live there don’t want it”. She would like the same consideration.

Angie Kahmann, who lives directly to the left of the site, stated that a lot of her concerns were addressed by the pastor. She submitted her concerns with checks placed next to those items on which there has been agreement (see Exhibit 5). She stated that they are concerned about the empty parking lot because their children play outside. They are not concerned about the members of the church, but want the site kept secure when it is not in use and want to keep out people who do not belong there. She stated that the Board has the authority to impose conditions. She stated that if the lighting is a low level system, it will not shine on the existing homes. They do not want their back yards lit up with security lights. She suggested keeping the existing fence and a berm. She asked that the berm be along the property line of 3942 and the site, and across the back of the property, which would help to give space to keep kids from running up to the fence. There is a house and ponies in the pasture connecting at the back. She stated that it is important that the parking lot be kept to the east side of the building. She wants to live in her home for the rest of her life, and fifteen or twenty years from now they want the site to still be used for a church. The zoning would allow dog kennels, country club, day care, and other uses that would change a lot of things. They want the safeguards to be there thirty years from

now. She stated that the essential character of the residential area will be changed drastically if precautions are not taken.

Mr. Gary Rice stated that a six-foot fence could work against the neighbors in regard to security because someone could hide there. He stated that the church did not buy other properties, one of their members did. There are about forty families in the church and it took all of their savings to buy this property. Because they had to have the road frontage, a member of the church volunteered to come up with some money. He stated that the trustees live in the community and they will be good neighbors. They have proven they will go along with just about anything the neighbors and the Board asked for, but have reservations about the fence for aesthetic and security reasons. He stated that they will keep the property up. He feels that the landscaping would be a lot better than the fence.

There being no further discussion, **Mr. McGruder moved to grant the Conditional Use Permit subject to the following conditions: 1) Per Staff Comment #2, the applicant is required to meet the Buffer Yard B size (20') and the Buffer Yard C planting specifications"; 2) Staff Comment #3 is a condition, but it is amended to change "a 6'foot privacy fence" to "a four-foot berm along with the existing fence on the west side and across the rear"; 3) Staff Comment #4 is a condition, with the words "stone front and vinyl sides" substituted for "brick façade"; 4) Staff Comment #5 is a condition, 5) Staff Comment #6 is a condition; 6) the parking area is to remain on the east side of the property; and 7) the parking area is to be secured to deny vehicular access in times of non-use.** Mr. Homer asked for clarification of Condition 2 -- on which sides does the motion require the berm and buffer yard? Mr. McGruder responded "on the west side and the rear". Mr. Homer asked if that would be a buffer yard or just a berm, and stated that it is important to buffer the property along the residential and potential residential properties, which would be the north, east, and west sides. Mrs. Millar stated that it would be everything but the front. **Mr. McGruder amended Condition #2 to require the buffering on the west, north, and east sides. Mr. Edwards seconded the motion.**

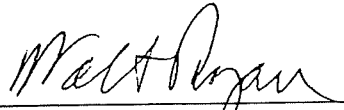
Mrs. Millar stated that she is concerned about requiring security for the parking lot -- what if there would be a Wednesday evening meeting and people come to the church early -- how would they have access to the property? Mr. Matt Warnke responded that he is usually the first one there and the last one to leave. He stated that someone will be there to unlock the gate and lock it back up. Mr. McGruder explained that he intentionally worded his motion to leave out the word "gate" and leave it up to the church and surrounding community as to what the restraint would be. He feels that a simple cable or chain with a sign "NO ADMITTANCE" would suffice.

There being no further discussion, **Mr. Ryan asked for a roll call vote on the amended motion which found Mr. Edwards, Mr. McGruder, and Mr. Ryan**

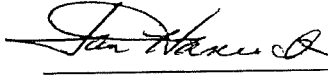
in favor. Mrs. Millar was opposed because she does not agree with the requirement of the church parking lot because secured with no admittance. The motion carried by a vote of 3 to 1.

There being no further business to come before the Board, Mr. Ryan moved to adjourn. Mr. Edwards seconded the motion. The meeting was adjourned by unanimous consent at 10:10 P.M..

APPROVED:


Walt Ryan, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits:

1. Agenda Item #3 Travel Centers of America, Exterior Sign Program
2. Agenda Item #4 EPA & Corps of Engineers Reports
3. Agenda Item #7 Letter from 3912 Petersburg Road
4. Agenda Item #7 Letter from Robin Kidder
5. Agenda Item #7 Angie Kahmann points of agreement

restaurant, travel store, truck service, gas; and truck fuel. They have entrances on three sides of the building and customers on three sides need to be able to see what they are offering.

Mr. Ryan stated that driving down I-75, only the big TA sign is visible. When driving down KY 338, a vehicle would have to get into the lot before the striping could be seen, and that would only be the striping in front of the building. Mr. Lawrence agreed.

Mr. McGruder asked if this décor is consistent with other sites. Mr. Lawrence responded that it is a design they are applying to all of the sites they are remodeling as opposed to rebuilding. He stated that converting truck stops to travel centers involves remodeling. Mr. McGruder asked if they are attempting to achieve customer recognition with this consistent décor. Mr. Lawrence responded "yes".

Mr. Morgan reviewed the pictures that were included with the previous Staff Report. He explained that the regulations only permit one free-standing sign, and they have three, which is another way in which they are non-conforming.

Mrs. Millar stated that the applicant has failed to show that the three requests meet the criteria for a Variance. She sympathizes with the applicant, but she is concerned about the impact of granting the requests on future sign permits. She stated that there are numerous locations in Boone County that have to advertise more than one use and they are required to meet the regulations.

Mr. McGruder stated that he visited the site and did not object to what is being proposed. The signage appears to complement the site and give it an appropriate face. Mr. Ryan stated that he also visited the site. He stated that, based on his experience, when you come off the exit and it is dark, it is hard to focus as to where everything is. With this site being up on grade, he does not think granting the request will affect any other locations.

There being no further discussion, Mr. McGruder moved to grant the request. Mr. Ryan seconded the motion. Staff asked for clarification as to whether the motion is to grant all of the requests. Mr. McGruder responded that the motion is to grant the request as submitted. A roll call vote on the motion found Mr. McGruder and Mr. Ryan in favor. Mrs. Millar was opposed. Chairman Whitton abstained. The motion carried.

2. **The request of Cornerstone Baptist Church for a Conditional Use Permit to allow the removal of a berming condition that was imposed on the rear and side property lines on property located on Lot 8 and Lot 9 of Long Estates Subdivision, Petersburg Road, Boone County, Kentucky. The property is currently zoned Rural Suburban Estates (RSE).**

Staff Member Todd Morgan presented the Staff Report (see Staff Report).

Pastor Ron Stinson of Cornerstone Baptist Church stated that they were granted a Conditional Use Permit with conditions last month. One of the conditions was a four-foot high berm around the perimeter of the property. They did not have time to check on the details of the condition, but agreed to it in a spirit of cooperation. They then had Hicks & Mann Engineering reevaluate the property and address the berm. A letter from Mr. Logan Murphy with Hicks & Mann is attached to the Staff Report and indicates that the berm would cause flooding for this property and for adjacent properties. Therefore, they ask that the condition regarding the berming be removed.

Mr. McGruder asked if there was discussion of remedies other than removing the berm. Mr. Max Burton, Trustee of the Church, responded that they were told by Mr. Murphy that they would have to run piping under the berm and it would be expensive, and he was not sure it would work. Mr. Burton stated that water laying on the lot would cause problems with the sanitation. Pastor Stinson stated that the leach bed will be on the back part of the property.

Mr. McGruder stated that he feels there are some options that could be considered. Such as, they could only maintain the berm on the west side since he believes the property slopes towards the highways and the water would go into the drainage ditch. He asked if they discussed partial berming with Mr. Murphy. Pastor Stinson responded that they did not since the condition was to berm all the way around the property. Chairman Whitton suggested that Mr. Murphy get in contact with Staff and discuss other remedies.

Pastor Stinson stated that Mrs. Long does not want a berm on her side of the property (the east property line). Mr. Morgan agreed based on his conversation with Mrs. Long.

In response to a question from Mr. Ryan, Staff reviewed the Buffer Yard C requirements.

Chairman Whitton asked if there was anyone else present who wished to speak in regard to this request.

Robin Kidder submitted photographs of a C Buffer (see Exhibit 1). Mr. Morgan stated that the only way he can determine if the photographs meet the Buffer Yard C requirements is to review the Site Plan. He cannot make this determination from the photographs.

Mr. McGruder stated that the requirement last month was for Buffer Yard B with Buffer Yard C plantings. Mr. Morgan explained that it was the Buffer Yard B width (20 feet) with the Buffer Yard C plantings.

Angie Kahmann, who lives next door to the site, feels that removing the berm and leaving the trees will not offer privacy. In order for her family to have the level of comfort they have now, there needs to be extra effort while the trees mature. She stated that Mike Homer told her that if just trees were used, it would be twelve years before they block the view of the church. By that time, her children will be grown and not using the swing set and playing in the driveway. She stated that the berm was a replacement for the recommended privacy fence. There needs to be a replacement for the berm or it needs to stay. She stated that if the fence is weathered in twelve years when the trees have matured, it can be taken down at that time. She submitted a photograph of the Norway Spruce trees she planted a year ago which were then six feet tall. The first eight trees are in a 100-foot line and do not offer any privacy at this time (see Exhibit 2). She submitted a picture of a privacy fence from Home Depot (see Exhibit 3) and commented that the difference in privacy it provides is obvious.

Robin Kidder stated that the berm was a compromise to the six-foot privacy fence. She referred to the two previous Staff Reports (April 2, 2000, Item #4, and June 14, 2000, Item #3) which indicated that Staff feels that a six-foot privacy fence within the buffer yard along the sides and rear will assist in buffering the visual and noise impact of the church. She stated that they offered the berming as a landscaping alternative to the fence. If the berm is removed, they want to go back to the fence. Trees will not assist them with the noise and visual impacts of the church. They are agreeable to the fence being removed when the trees are matured. She stated that she wants to keep her livestock away with a fence and a berm. She noted that at Toyota on KY 237 they have individual berms that are staggered so that the natural flow of water can occur. She stated that they want to maintain the level of privacy the berm would have given them.

Pastor Stinson responded that with a six-foot high fence, they could still see the church. He does not feel that a four-foot berm would offer privacy as people could see over it. He stated that Mrs. Kidder lives well over one thousand feet away from where their building will be located. She will be able to see the building driving by and anyone on KY 20 will be able to see it. It is about one hundred feet to the Kidder house. He stated that their building will be 24 feet high and a six-foot high fence will not stop the visibility. Chairman Whitton responded that it would stop the neighbors from seeing the activity around the church.

Mr. Ryan asked if the church would rather put up a six-foot high fence or the berm and trees. Pastor Stinson offered to put up a six-foot high fence to block the view from the Kahmann property, but not all the way around the property. He stated that they already have a new fence that is all the way around their property. They have no animals, but there was no charge to the Kidders for keeping their animals detained with this fence. He feels that if Mrs. Kidder is concerned about her animals, she needs to put a barrier on her side.

Mr. McGruder suggested a compromise of leaving the berm on the west side, but removing it on the east side as requested by Mrs. Long, and substituting a privacy fence on the north side. Mr. Burton responded that there is no need for a privacy fence on the north side. On the west side, the water already runs from the driveway onto the church property and a berm would cause water problems for the neighbors. He stated that he met with the Kahmann's and they talked about the fence. He feels that a six-foot high fence will look like a fort or a prison. He stated that there is not a church in Boone County with a six-foot fence around it.

Mr. Morgan read the fencing requirements in Section 3755 of the Zoning Regulations.

Mr. Burton stated that the Captain of the police force told them that if there is a break-in at the homes or the church, it is better for the criminal to have something to hide behind. He stated that they are only at the church seven hours out of the week and that is not much time to have to get into all of this expense.

Mr. Ryan questioned the distance of the Kahmann house from KY 20. Mr. Burton responded that it is 161.75 feet back from KY 20 and their building will be about even with the house and driveway. Mr. Stinson commented that they moved their driveway from the Kahmann side in order not to interfere with them and all of the parking is away from the Kahmann house.

Mr. McGruder stated that the Board is being asked to remove the privacy restriction, which he objects to as the Conditional Use was approved on that basis. He stated that the Board needs to entertain options that are as suitable. There has been a suggestion of a combination of berm on the west side and fencing on the north side. There has been a suggestion of partial fencing on the west and north sides. He emphasized that the Conditional Use Permit was granted on the condition that there would be screening.

Mrs. Millar suggested that the number of trees be increased as in the wintertime trees do not give privacy. She suggested that the number of evergreens be increased. She stated that she lives across the street from someone who put a berm in their front yard and it is objectionable. She feels that the required eight evergreens and four large trees could be changed to all evergreens. She suggested that there be a condition regarding the height of the trees since four-foot tall trees will take a long time to grow. Eventually, the trees would provide the privacy desired by the neighbors.

Chairman Whitton stated that Mrs. Kahmann is the most impacted and she wants a privacy fence. He feels that there should be a privacy fence on the Kahmann side. There can be a time limit set – if they want to take the fence down in ten years, that would be okay.

Mr. Ryan suggested installing a privacy fence from where the church building is back and then going halfway across the back of the property. He does not think the privacy fence needs to go all the way out to the road. He stated the church could put up the privacy fence instead of the berm and trees.

Mr. Burton stated that a privacy fence from the church building line back to the end of the parking lot would give the Kahmann's privacy. On the back corner of the property is an old barn belonging to the Kidders and they could put a privacy fence from the corner of the barn to the property line. He reviewed the plan with the neighbors. In response to Mrs. Kidder's comments regarding the plan, Chairman Whitton stated that he does not know of any property with a fence all the way to the road. He stated that there are no buildings in the front of the lot.

Mrs. Kidder stated that people will see her land. She did not choose to live next door to a church. She stated that she looked at trees and using them for a natural fence would be very expensive. Six-foot tall trees would be fine, but the privacy fence would be cheaper. The trees she looked at grow tall but not fat. She offered the Board the prices for American Arbor Vitae trees. She stated that they do not want to have to worry about anyone wandering back and looking at their animals. She wants a berm or fence so that people will not see that there are animals back there – which is a liability issue and also for the safety of the church members and the animals.

Mr. Ryan asked if the neighbors were saying that they want a privacy fence all the way to the road.

Mrs. Kahmann responded that although her children are right outside the garage door and in the back yard, the majority of the traffic has been moved to the east side. Chairman Whitton stated that if the fence starts at the front of the church building, the Kahmann's rear yard would be protected. Mrs. Kahmann agreed.

Mr. Burton explained that the church will be thirty feet in front of where the driveway comes into the Kahmann house and they would have privacy from seeing the parishioners come and go. Mr. Ryan asked if the church is taking the driveway around next to the Kahmann property. Mr. Burton responded "yes" and reviewed the plan with the Board. He stated that they have a new Site Plan drawn up, but do not have copies yet.

Mrs. Millar stated that the request is to remove the berm. She asked if the Board can address all the buffer yard planting. Counselor Dillon responded that if the Board decides to allow the removal of the berm, that would involve the entire scheme which includes the plantings. The Board has already approved a berm, and he feels that there should be some burden on Mr. Murphy to demonstrate that this berm could not be constructed without flooding. He stated that possibly a berm could be built with drainage or be staggered to solve the problem. He stated that Mr. Murphy could be called upon to explain his letter.

Mr. McGruder questioned the effect a privacy fence extending the length of the parking lot and building on the west side and going from the west corner to the barn on the north side would have on Condition #1 (the plantings). Mr. Morgan explained that when a Residential zone abuts a Residential zone, no buffer is required. Therefore, any landscaping is contingent on a condition imposed by the Board. Mr. McGruder stated that Condition #1 could remain in place for the planting to go around the perimeter of the property. Chairman Whitton stated that he does not think it is necessary. Mr. Ryan stated that a motion could include eliminating Condition #1.

Chairman Whitton stated that if the church is willing to do the prior plantings (Condition #1), do away with the berm, and construct the privacy fence as discussed, then there could be a condition that after ten years they can take down the fence and the neighbors will have the mature trees. He stated that the fence would begin 150 feet from the road and run to the rear of the parking lot, the fence would then go from the far corner over to the Kidder barn and across the back. The only open spot would be the field.

Mrs. Millar asked if they would be required to do the trees and the fence. Chairman Whitton responded that that is their option. If they do the tree plantings, they can take the fence down in ten years. Mr. Morgan stated that if the trees are overcrowded, they will die. He would prefer a standard C Buffer of 25 feet. He asked if anything would be required on Mrs. Long's property line. Chairman Whitton responded "no".

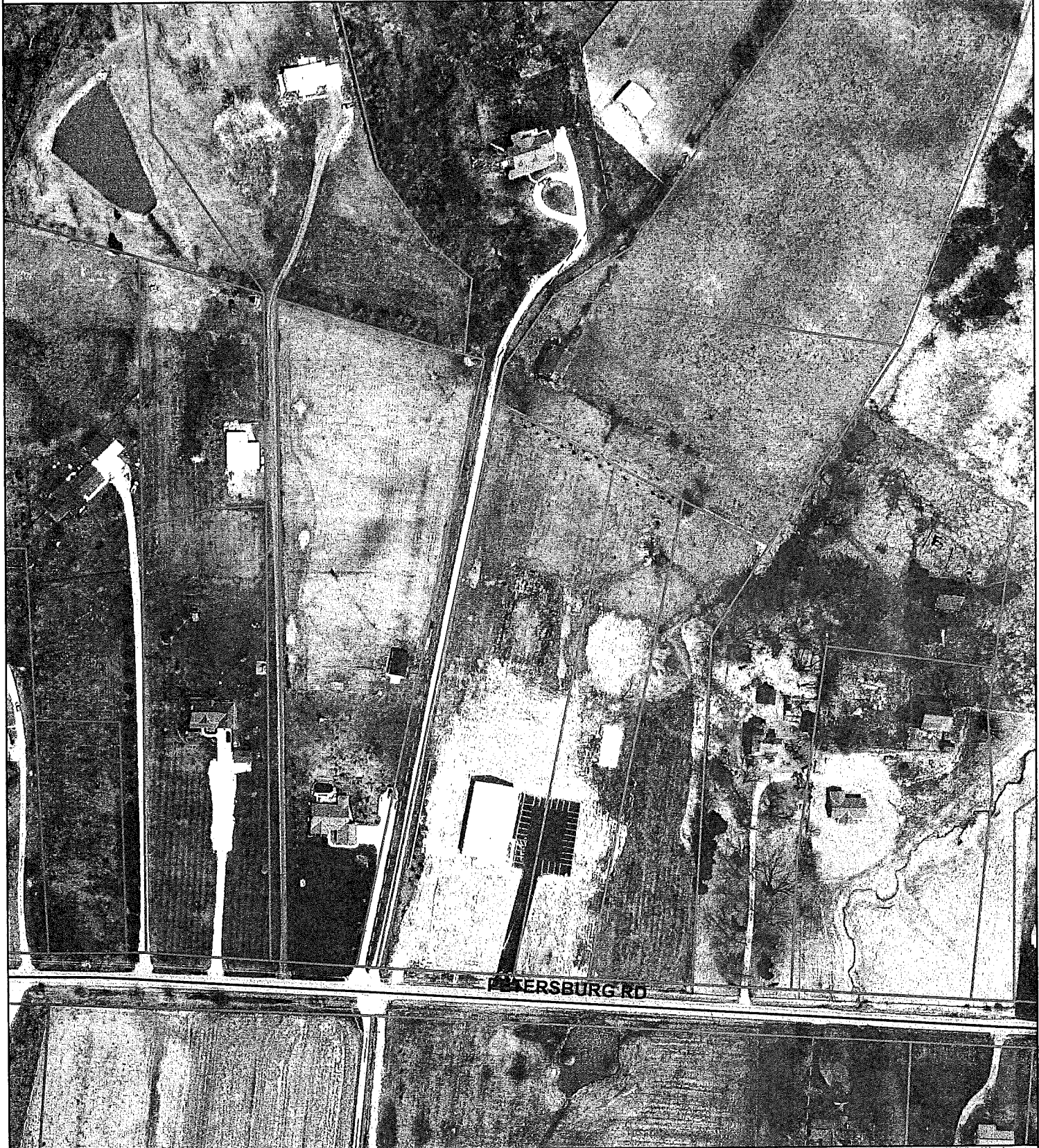
There being no further discussion, Mrs. Millar moved to approve the request to delete the four-foot berm from the original Conditional Use Permit, but on the west side of the property that abuts the Kahmann property, a six-foot high privacy fence is to be installed from 150 feet back from the road to the back parking lot. Across the rear of the property the Buffer Yard C with Buffer Yard C plantings goes from the west corner to the barn. The fence can be removed after ten years if the plantings provide acceptable screening. The motion includes a waiver of the fees for this request. Other conditions remain as originally approved. Mr. Ryan seconded the motion. Chairman Whitton suggested an amendment that the plantings for the fence occur within six months after the fence goes up. Mrs. Millar so amended the motion. Mr. Ryan seconded the motion and it carried unanimously

4. The request of the First Church of Christ for a Conditional Use Permit to expand the existing church and parking lot facilities on property at 6080 Camp Ernst Road, Boone County, Kentucky. The property is currently zoned Suburban Residential One (SR-1).

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

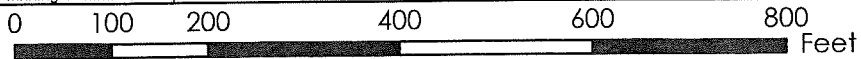
2002 AERIAL MAP

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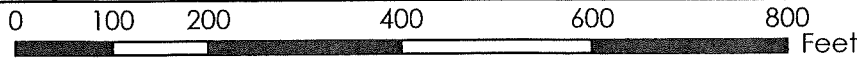
2004 AERIAL MAP

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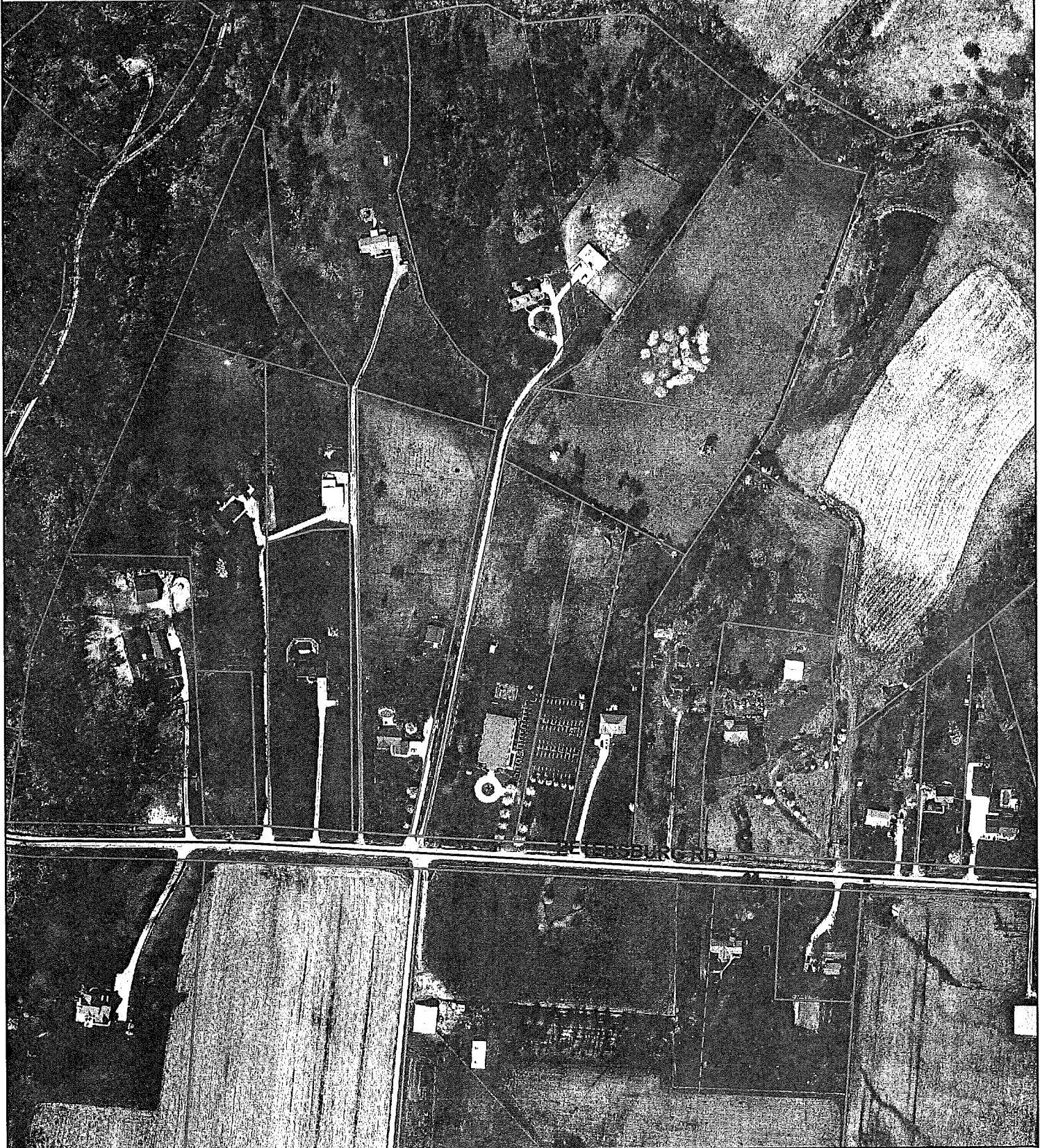


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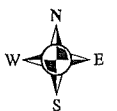
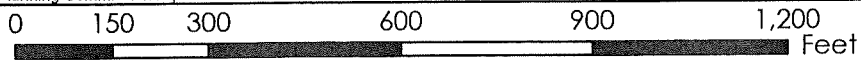
2016 AERIAL MAP

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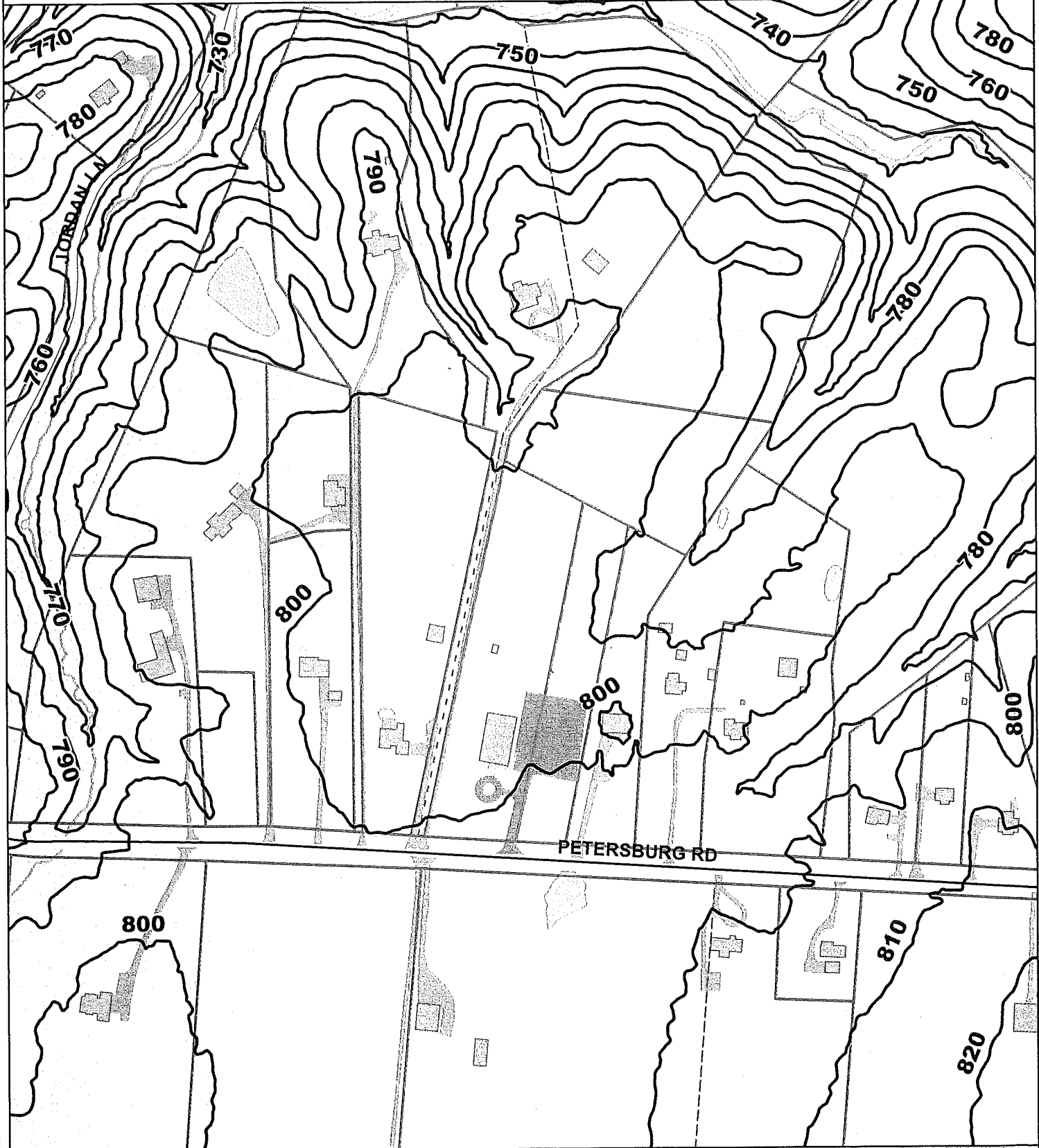
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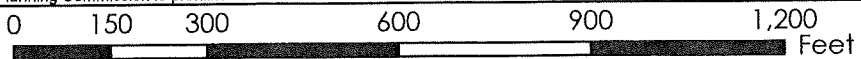
TOPOGRAPHICAL MAP

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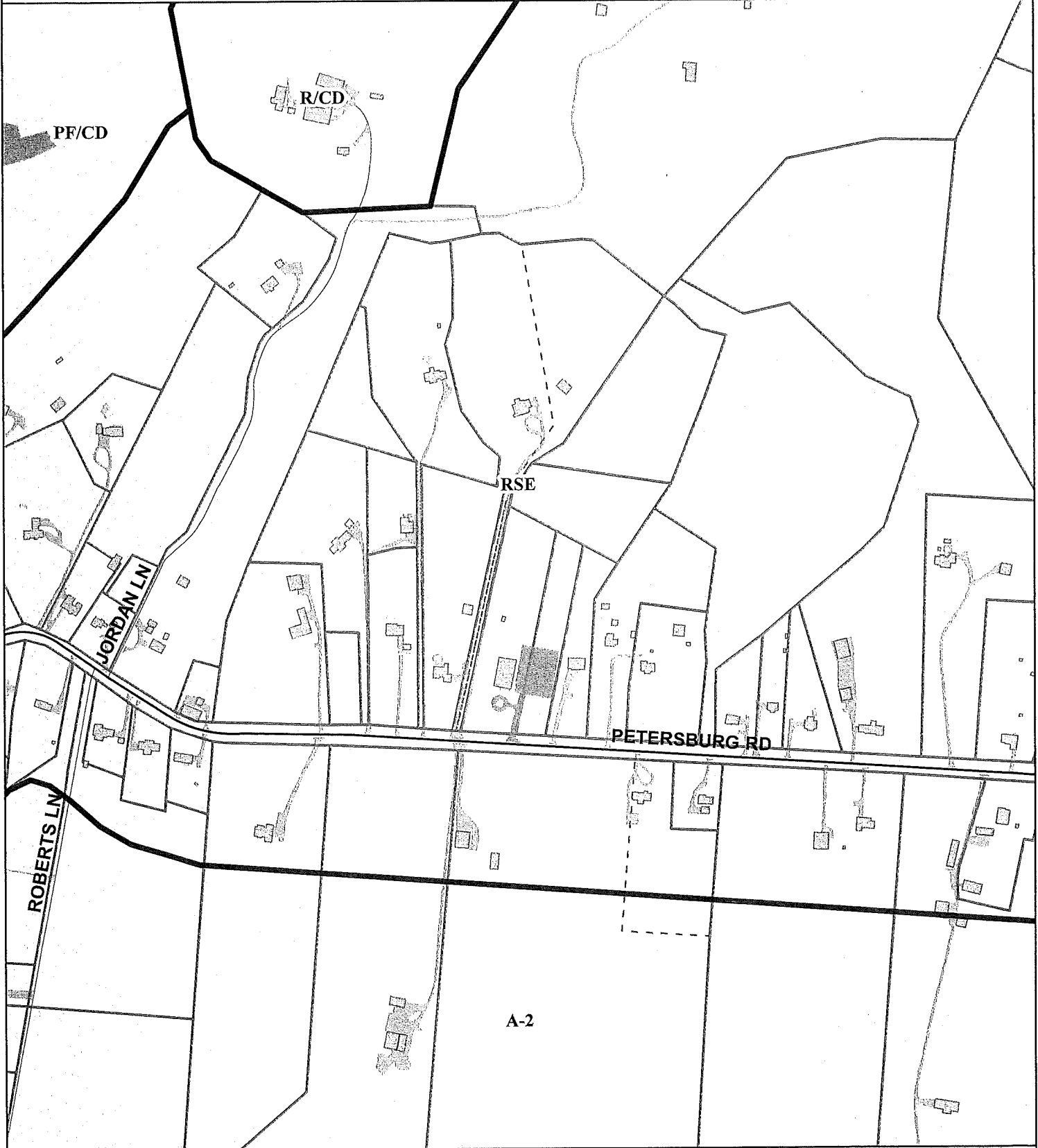
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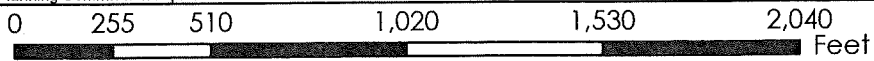
ZONING MAP

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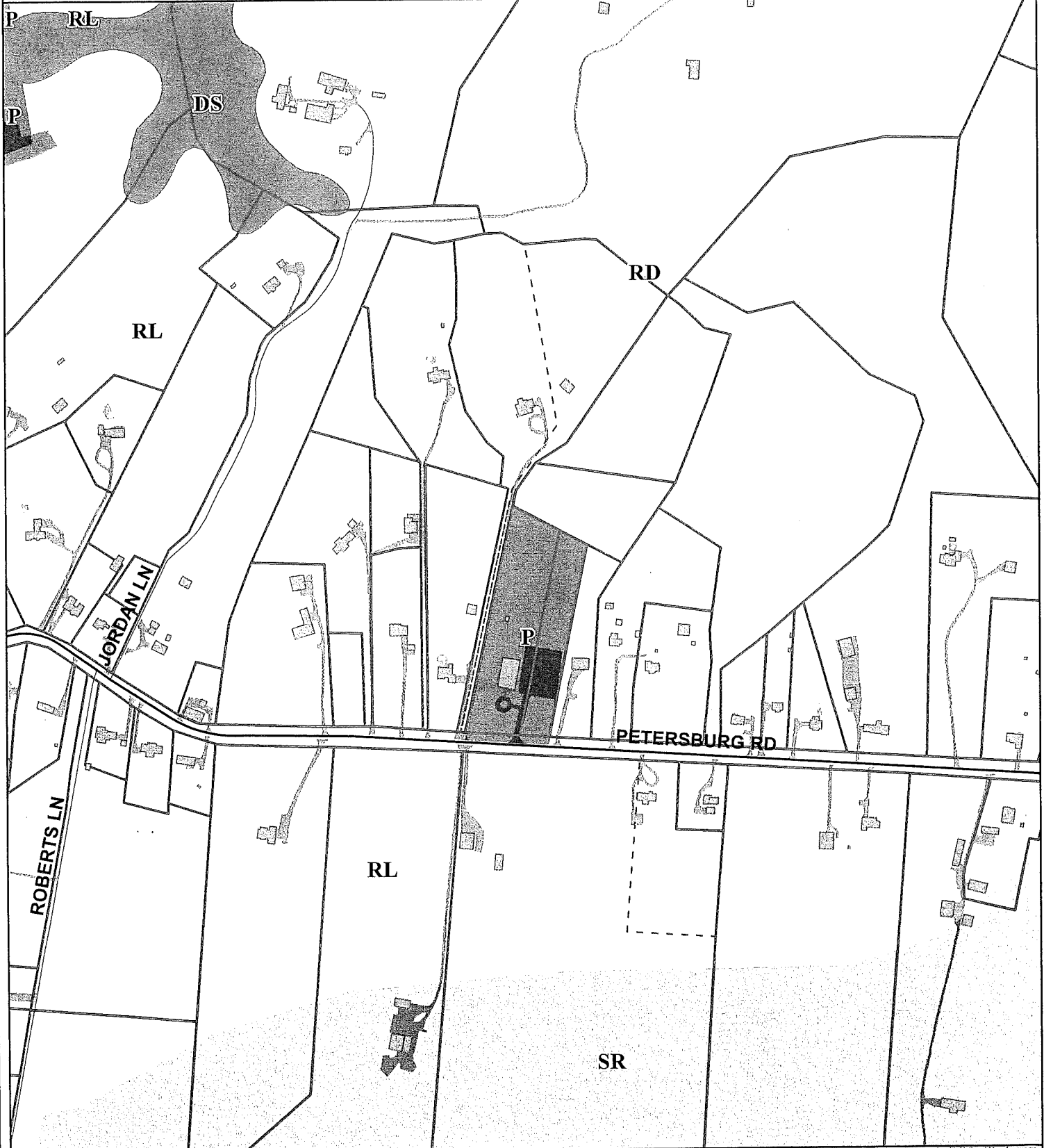
Boone County GIS - Putting Northern Kentucky on the Map



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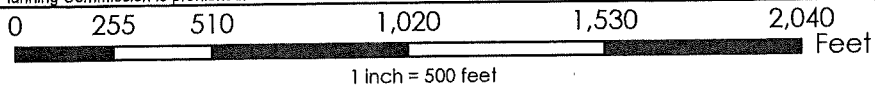
2035 FUTURE LAND USE MAP

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APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED 74120 SEP 08 2016 BOONE COUNTY PLANNING COMMISSION

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

See Boone County Zoning Regulations

P \$782.00 SEP 08 2016 CK# 2413 BOONE COUNTY PLANNING COMMISSION D

SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence Walton Union
2. (Check One) Conditional Use Permit Variance Appeal
3. Applicant's Name STEVE A. HANKINS (Cornerstone Baptist Church)
Applicant's Address 3920 Petersburg Rd, Burlington KY 41005
4. Description of Request: Removal of conditional use #7 which states 'The parking area is to be secured to deny vehicular access in times of non-use,
5. Name of Development Cornerstone Baptist Church
6. Location of Development 3920 Petersburg Rd. Burlington KY 41005
7. Acreage Under Review 5.5411 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) Long Estates Subdivision Lot # 8 & 9
9. Owner of Property Cornerstone Baptist Church
Address of Property Owner 3920 Petersburg Rd Burlington KY 41005
10. Phone Number Cell 859-991-8265 Fax No. E-Mail
11. Proposed Use(s) on Site Parking
12. Total Square Footage of Existing and/or Proposed Buildings N/A (57,000)
13. Current Zoning on Property RSE
14. Deed Book 126,179 Page No. 300,39 Group No. 2003
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request?
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: Nigel Stumper chairman of trustees (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Nigel Stumper (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Cornerstone Baptist Church
3920 Petersburg Road
Burlington, KY 41005

2. ADDRESS OF PROPERTY

3920 Petersburg Road
Burlington, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Cornerstone Baptist Church

4. DEED BOOK 126

PAGE NO. 300

GROUP NO. 2003

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

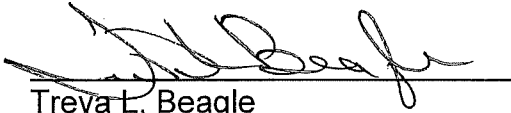
Mitchell A. Light, Assistant Zoning Administrator/ZEO
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Mitchell A. Light

on behalf of the Boone County Planning Commission this 13 day of October, 2016.



Treva L. Beagle

Notary ID 499309

NOTARY PUBLIC, State at Large

My commission Expires:

November 12, 2017

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.)