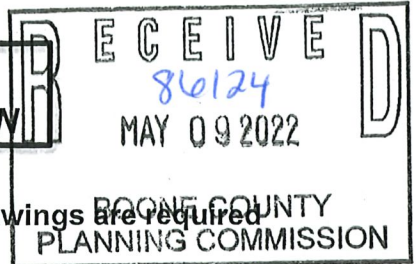


**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

**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: East Bend Baptist Church

Address: 12246 Lower River Road

Union Kentucky 41091  
City State Zip Code

Phone Number: 859 689 0306 Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

4. Description of Request:  
Conditional use permit

5. Name of Development: East Bend Baptist Church

6. Location of Development: 12246 Lower River Road  
12246 Lower River Road Union Kentucky 41091  
City State Zip Code

7. Acreage Under Review: 2.17+

8. Lot Number and Name of Subdivision (if part of a subdivision):  
None

9. Current Owner: East Bend Baptist Church

Address: 12246 Lower River Road

Union Kentucky 41091  
City State Zip Code

Phone Number: 859 6890306 Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

10. Proposed Use(s) on Site: storage
11. Total Square Footage of Existing and/or Proposed Buildings: 576
12. Current Zoning: Agric. A-1
13. F 169 2051  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Edwin G. Kirkpatrick

member 5/7/22

**ORIGINAL Property Owner's Signature:** Edwin G. Kirkpatrick  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:** Edwin G. Kirkpatrick member 5/7/22  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 5/9/22 Fee Received: \$766 Receipt #: 86124

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: A. Hagenbecker

4. Scheduled Board Action Date: 6/18/2022

5. Board Action: 6/18/2022

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  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## STAFF REPORT

#2

APPLICANT: East Bend Baptist Church, per Edwin G. Kirkpatrick

LOCATION: 12246 Lower River Road, Union, Kentucky

ZONING: Agriculture One (A-1)

DATE: June 8, 2022

### PROPOSAL

- A. The applicant is requesting the following:
1. A Conditional Use Permit to build a storage/ministry building.

### APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 613 of the Boone County Zoning Regulations.
1. Findings listed in Section 262 (Findings for all Conditional Uses):
    - a. 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;
    - b. 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;
    - c. Will not be hazardous to existing or future neighboring uses;
    - d. 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;
    - e. 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;
    - f. 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;

- g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
2. Criteria listed in Section 613 of the Boone County Zoning Regulations (A-1 District):
- a. The activity is an integral part of the agricultural use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or
  - b. The activity is necessary to provide the specified public service for the character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and
  - c. Provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.
- C. Section 613.14 of the Boone County Zoning Regulations identifies: Churches, synagogues, temples and other places of religious assembly for worship as a conditional use within the A-1 zone.
- D. Section 610 of the Boone County Zoning Regulations states that "The purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses."
- E. Section 4000 of the Boone County Zoning Regulations defines a church as follows: "A facility used primarily for religious worship services of an assembly nature that may secondarily provide social or community services such as counseling, child care, senior services, and educational programs. For the purposes of this order, synagogues, temples, and other places of religious assembly for worship, regardless of the terminology used by a specific faith or denomination, are considered churches pursuant to this definition. A facility which is generally used for purposes other than religious worship services may be classified as a church if religious services are conducted within it in at a frequency and/or intensity greater than other, non-religious assemblies that are permitted in the same district as accessory uses."

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for "Rural Land" which is defined as Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision.

- B. Our Boone County Plan 2040 contains the following Future Land Use Development Guideline as it pertains to Design, Signs, and Cultural resource preservation (page 97):

"This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County. 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 as well as the "local identity" of the area. As discussed earlier in this document, certain natural and cultural resources in Boone County have implications for land use, including historic structures and districts, archaeological sites, significant geological sites and viewsheds, and cemeteries. The management of some of these resources is regulated at the local, state and/or Federal level and, as such, their potential land use implications should be carefully considered prior to development. Of particular concern are ridges and hilltops overlooking the Ohio River as well as major stream valleys within Boone County such as those found along Big Bone Creek, Gunpowder Creek, Mudlick Creek, and Garrison Creek due to potential for Native American burial sites."

- C. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

1. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
3. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).

- D. Lower River Road is a county maintained arterial street providing for two way traffic within two driving lanes (one lane in each direction). There are no sidewalks along Lower River Road. The posted speed limit is 20 MPH. East Bend Road is a state maintained arterial street providing for two-way traffic within two driving lanes (one lane in each direction). There are no sidewalks along East Bend Road. The posted speed limit is 30MPH.

#### SITE CHARACTERISTICS

- A. The approximate 2.17 acre site is located at the northwest corner of the intersection of East Bend Road with Lower River Road.
- B. The site is currently occupied by a church, accessory structures, a cemetery, and a freestanding sign.
- C. Access to the site is provided from a full access curb cut onto Lower River Road.

SURROUNDING LAND USES AND ZONING

- North: Vacant Land (A-1)  
South: Single-family residential dwellings (I-2)  
East: Single-family residential dwellings (A-1)  
West: Single-family residential dwellings (A-1)

STAFF COMMENTS

- A. The submitted concept plan indicates the following:  
a. Construction of a 576 square foot (24' X 24') storage/ministry building.
- B. The applicant should address how their proposal meets the criteria for a conditional use, as found in Sections 262 and 613 of the Boone County Zoning Regulations.
- C. An inter-departmental email was sent to the Kentucky Department of Transportation.  
a. Linzy Brefeld, KYTC, replied that they have no comments.

CONCLUSION

- A. KRS 100.237 and Section 220 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the Conditional Use Permit request.

Respectfully Submitted,



Alaina Hagenseker  
Planner, Zoning Services

AH/ss

Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Application
- \*Concept Development Plan

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

**RECEIVED**  
86124  
MAY 09 2022  
BOONE COUNTY  
PLANNING COMMISSION

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

**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: East Bend Baptist Church  
Address: 12246 Lower River Road  
Union Kentucky 41091  
City State Zip Code  
Phone Number: 859 689 0306 Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_
4. Description of Request:  
Conditional use permit
5. Name of Development: East Bend Baptist Church
6. Location of Development: 12246 Lower River Road  
12246 Lower River Road Union Kentucky 41091  
City State Zip Code
7. Acreage Under Review: 2.17+
8. Lot Number and Name of Subdivision (if part of a subdivision):  
None
9. Current Owner: East Bend Baptist Church  
Address: 12246 Lower River Road  
Union Kentucky 41091  
City State Zip Code  
Phone Number: 859 6890306 Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

10. Proposed Use(s) on Site: storage
11. Total Square Footage of Existing and/or Proposed Buildings: 576
12. Current Zoning: Agric. A-1
13. F 169 2051  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Edwin G. Kirkpatrick

member 5/7/22

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

**ORIGINAL Applicant's Signature:** [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 5/9/22 Fee Received: \$766 Receipt #: 86124

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: \_\_\_\_\_

4. Scheduled Board Action Date: \_\_\_\_\_

5. Board Action: \_\_\_\_\_

\_\_\_\_\_ Approved

\_\_\_\_\_ Approved with Conditions (see #6)

\_\_\_\_\_ Denial (See #7)

6. Conditions of Approval: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Reasons for Denial: \_\_\_\_\_

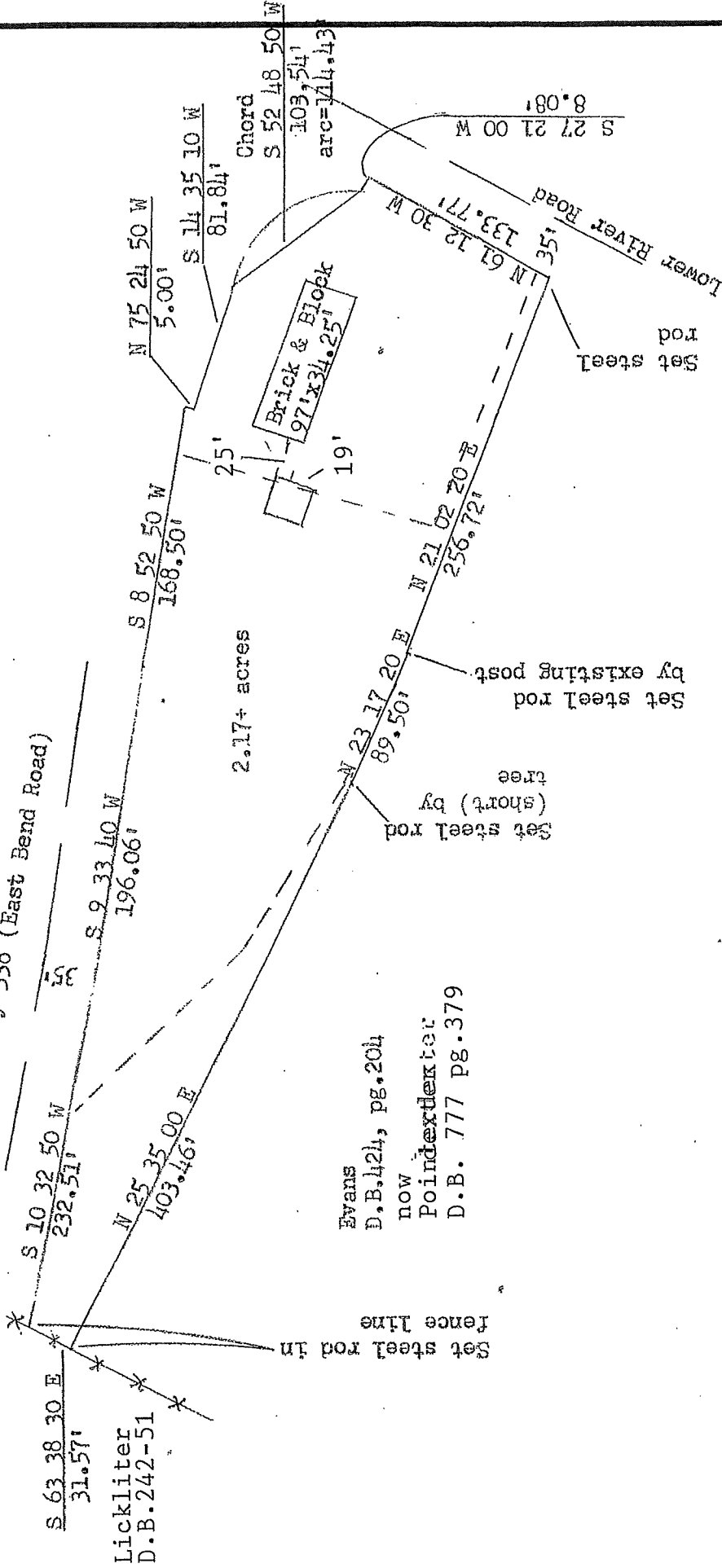
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

← To Burlington

Centerline of Ky 338 (East Bend Road)

Purposed 24'x24"  
Ministry Building

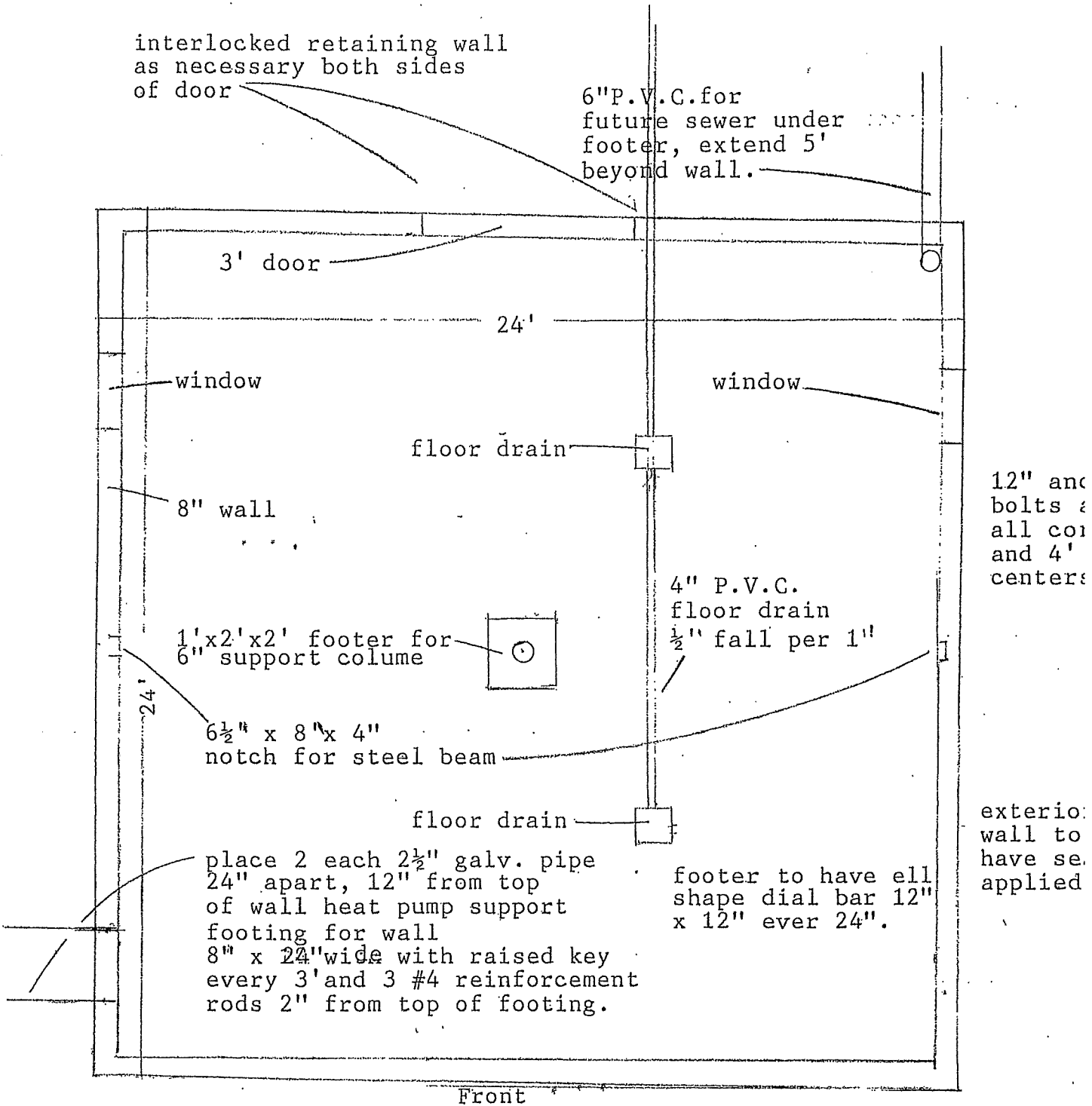


Drawing of the East Bend Baptist Church Property

SCALE: 1"=100'	APPROVED BY:	DRAWN BY ECK
DATE: 6-23-95		REVISED
This property was surveyed on May 30, 1995 by Edwin G. Kirkpatrick, Registered Surveyor No. 873		
		DRAWING NUMBER

East Bend Baptist Church Ministry Building (Gospel Barn)

Basement Information



Scale 1"=4' Concrete wall 8' All concrete to be 4000 p.s.i.

After evcavation if soil is not firm, then footing shall be increased 9"x 30" wide.

March 1, 2021

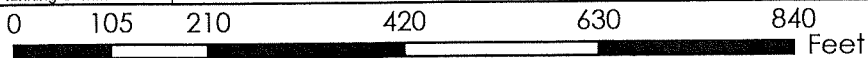
# Site Vicinity Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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 = 208 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



# Aerial Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

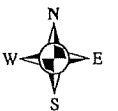
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

0 85 170 340 510 680 Feet

1 inch = 167 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

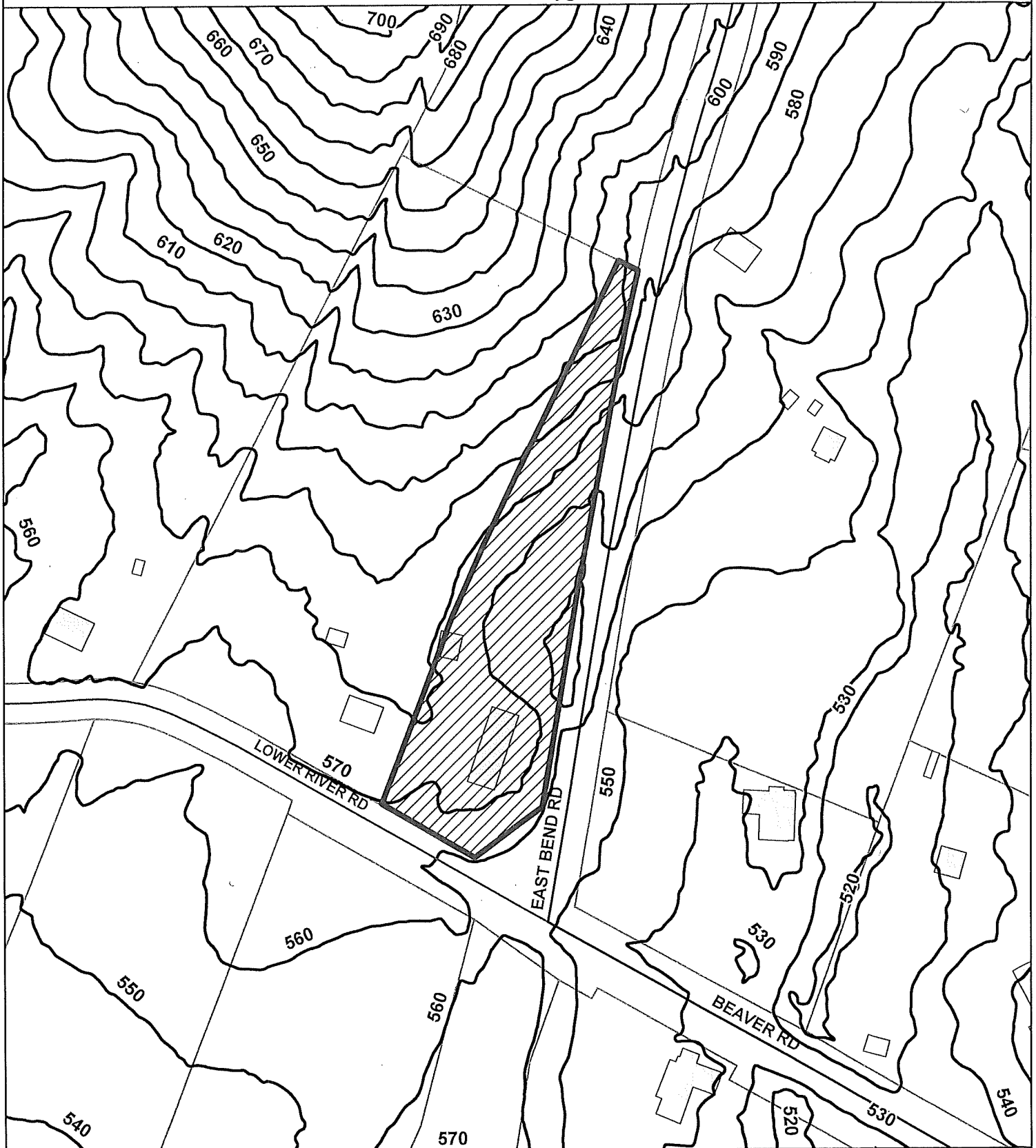


Map Created: x/bv/2022

Boone County GIS  
ArcMap Document: \*.mxd

# Topography Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.

0 85 170 340 510 680 Feet

1 inch = 167 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



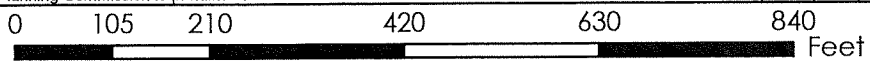
# Zoning Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.

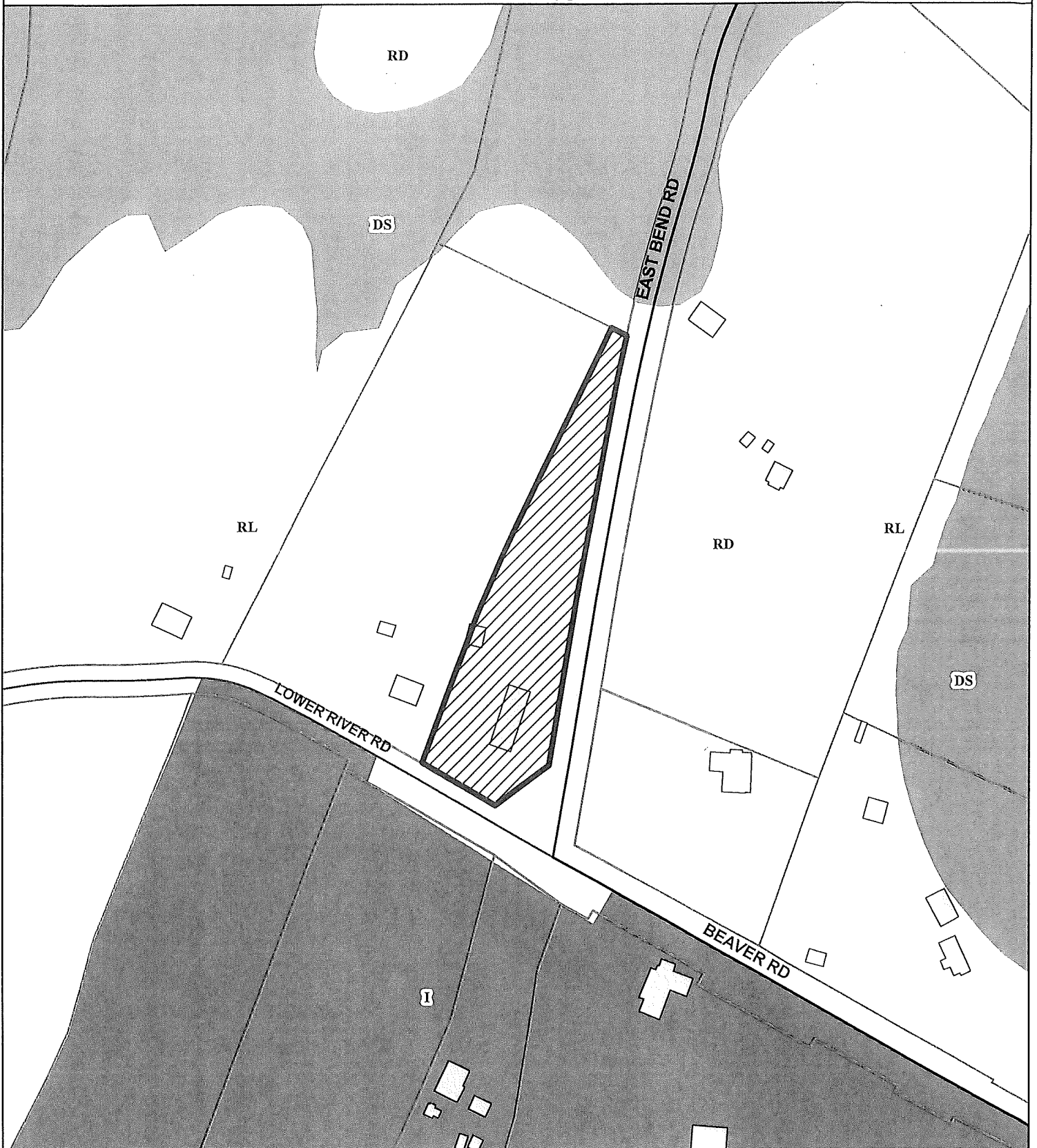


**Boone County GIS - Putting Northern Kentucky on the Map**



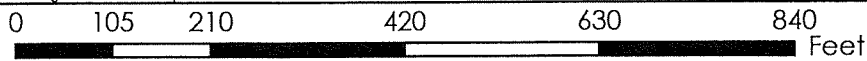
# 2040 Future Land Use Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

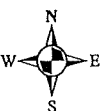
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 208 feet



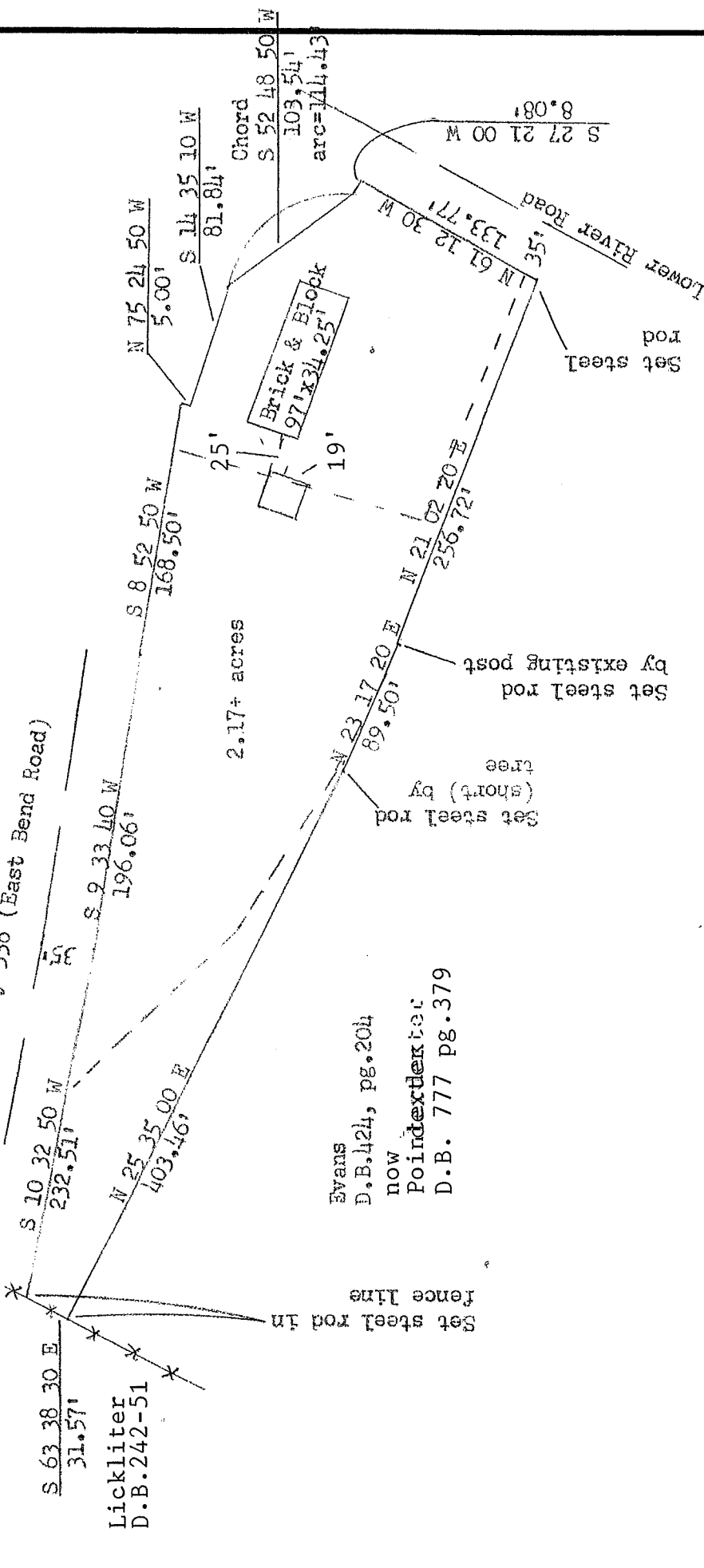
**Boone County GIS - Putting Northern Kentucky on the Map**



← To Burlington

Centerline of Ky 338 (East Bend Road)

Purposed 24' x 24"  
Ministry Building



Evans  
D.B. 424, pg. 204  
now  
Poindextec  
D.B. 777 pg. 379

Drawing of the East Bend Baptist Church Property

APPROVED BY:  
SCALE: 1"=100'  
DATE: 6-23-95

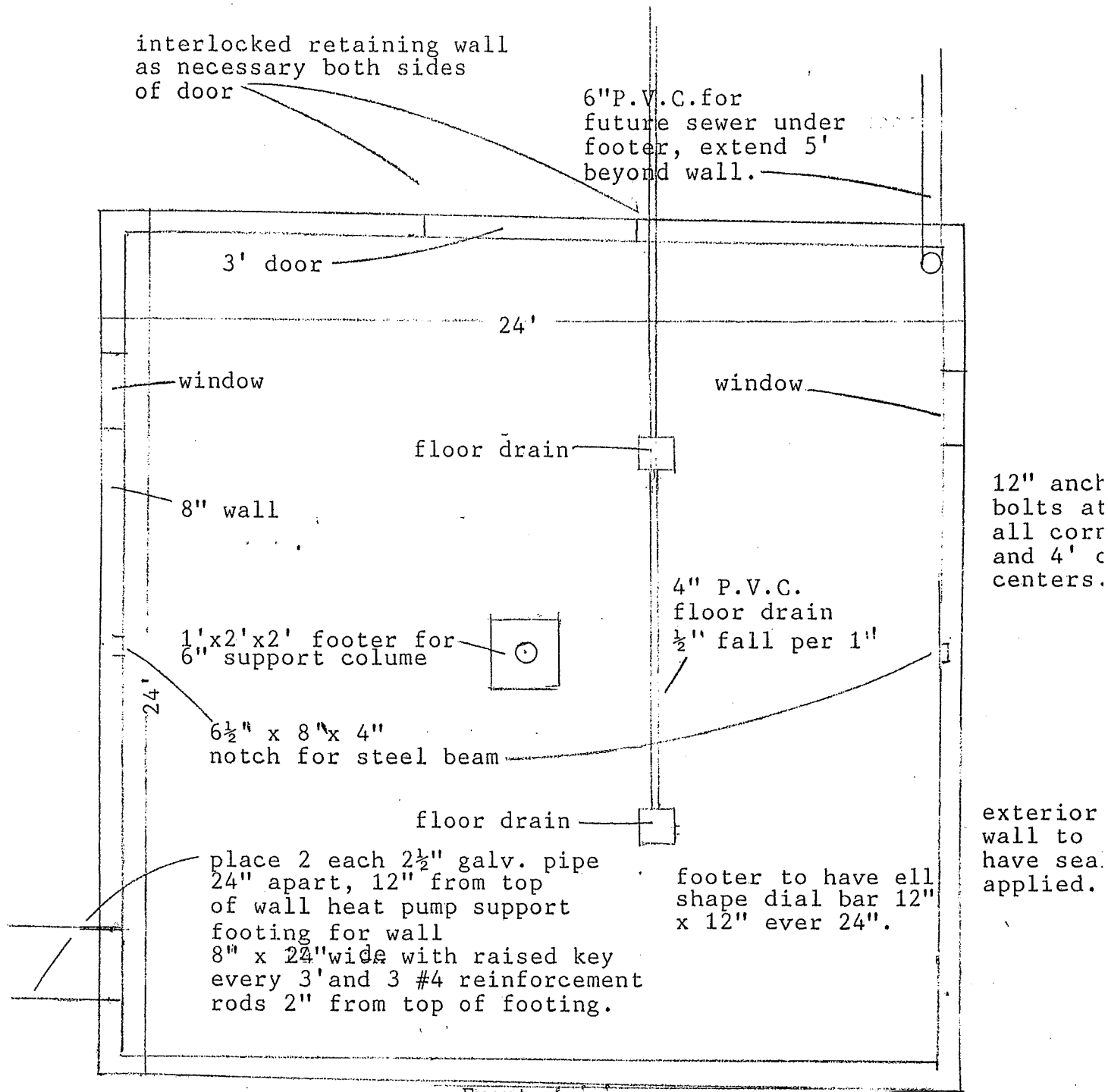
DRAWN BY ECK  
REVISED

This property was surveyed on May 30, 1995 by Edwin G. Kirkpatrick, Registered Surveyor No. 873

DRAWING NUMBER

East Bend Baptist Church Ministry Building (Gospel Barn)

Basement Information



Scale 1"=4' Concrete wall 8' All concrete to be 4000 p.s.i.

After excavation if soil is not firm, then footing shall be increased 9"x 30" wide.

March 1, 2021

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
East Bend Baptist Church  
12246 Lower River Rd  
Union, KY 41091
- 2. ADDRESS OF PROPERTY  
12246 Lower River Rd  
Union, KY 41091
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
East Bend Baptist Church
- 4. DEED BOOK 583                      PAGE NO. 135                      GROUP NO. 2051
- 5. TYPE OF RESTRICTION(S) (Check all that apply)  
 Zoning Map Amendment:  
          From \_\_\_\_\_ To \_\_\_\_\_                       Conditional Use Permit  
 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

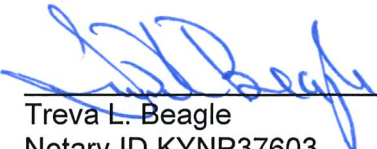
  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Alaina Hagenseker, Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY


COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Alaina Hagenseker on behalf of the  
Boone County Planning Commission this 13<sup>th</sup> day of June, 2022.

  
\_\_\_\_\_  
Treva L. Beagle  
Notary ID KYNP37603  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2025

This instrument was prepared for recording purposes only by:

  
\_\_\_\_\_  
Nicole Dierna  
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.)