

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
92704
MAY 30 2025
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

015

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: Tony Berling

Address: 1671 Park Road - Suite One

Fort Wright KY 41011
City State Zip Code

Phone Number: 859-331-9191 Fax Number: 859-344-7422

Email: tberling23@gmail.com

4. Description of Request:
~~Conditional use permit for the Church and 2 Retreat Cottages~~

5. Name of Development: The Order of St. Francis of Assis Inc.

6. Location of Development: 2760 Beaver Road

Union KY 41091
City State Zip Code

7. Acreage Under Review: 59.64

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

9. Current Owner: The Order of St. Francis of Assis, Inc.

Address: 2760 Beaver Road

Union KY 41091
City State Zip Code

Phone Number: 585-353-7827 Fax Number: _____

Email: BrotherPaschelk@gmail.com

10. Proposed Use(s) on Site: One Church and Two Retreat Cottages

11. Total Square Footage of Existing and/or Proposed Buildings: 6,585 Sq/Ft

12. Current Zoning: A-2

13. 302 - 498 ✓ 306 - 224 ✓ 2068 ✓
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.

Property Owner's Signature: Order of St. Francis of Assisi, Inc
Richard Kuehn (Property Manager)

Applicant's Signature: Richard Kuehn / Tom [Signature]

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

1. Date Received: 5/30/25 Fee Received: \$766 Receipt #: 92704

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 7/9/2025

5. Board Action: 7/9/2025

_____ Approved

Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: See Attached, Mirrubs, & CLDR

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
plancom@boonecountyky.org
www.boonecountyky.org

CONDITIONS OF APPROVAL

APPLICANT: Tony Berling, on behalf of The Order of St, Francis of Assis, Inc.

LOCATION: 2760 Beaver Road including the lot having a Parcel Identification Number (PIDN) of 042.00-00-012.15, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: July 9, 2025

1. The rental of the retreat/guest cottages shall not be posted on any third-party website and shall not be used as a short-term rental.

STAFF REPORT

#1

APPLICANT: Tony Berling, on behalf of The Order of St, Francis of Assis, Inc.

LOCATION: 2760 Beaver Road including the lot having a Parcel Identification Number (PIDN) of 042.00-00-012.15, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: July 9, 2025

PROPOSAL

- A. The submitted request is a Conditional Use Permit to allow an existing church and the construction of two (2) retreat/guest cottages.

SITE HISTORY

1980 Based on information contained in the Boone County GIS, the site was zoned A-2.

1981-

1985 Based on information contained in the Boone County GIS, the existing church building was constructed.

APPLICABLE REGULATIONS

- A. Section 202.C of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only if specific locations in the district and only if certain conditions are met.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 205.H of the Boone County Zoning Regulations.
1. Findings listed in Section 205.H (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 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 any such services.

- e. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community.
 - f. Will 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 designed as not to create an interference with traffic on surrounding public thoroughfares.
- C. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 602.2.A of the Boone County Zoning Regulations (Findings for a Conditional Use Within the A-2 District):
- 1. The activity is an integral part of the agricultural or residential 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.
 - 2. The activity is necessary to provide the specified public service for the residents of the district so long as the service area, use, scale, or other character of the activity does not overpower, transient or conflict with the principal purpose of the district.
 - 3. 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.
- D. Section 505.1 of the Boone County Zoning Regulations identifies 'Religious Assembly' as a Conditional Use within the A-2 district.
- E. Section 505.1 of the Boone County Zoning Regulations identifies 'Customary Accessory Buildings and Uses' as an Accessory Use within the A-2 district.
- F. Section 602. A of the Boone County Zoning Regulations states that "The purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment."
- G. Section 4000 of the Boone County Zoning Regulations defines 'Religious Assembly' as follows: Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques, and churches. Such facilities may secondarily provide social or community services such as counseling, childcare, senior services, and educational programs.
- H. Section 4000 of the Boone County Zoning Regulations defines 'Customary Accessory Use or Structure' as follows: A customary accessory structure or use is one that: (1) is subordinate to and serves the principal structure or principal use; (2) is subordinate in area, extent, or purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal structure or

principal use served; and (4) is located on the same lot as the principal structure or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the structure or use served.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for “Rural Lands”, “Rural Density Residential”, and “Developmentally Sensitive” uses, which are described as follows:
1. Rural Lands - 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.
 2. Rural Density Residential - Low density residential uses of up to one dwelling unit per acre.
 3. Developmentally Sensitive - Areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance.
- B. Beaver Road is a state maintained arterial street, providing for two way traffic within two driving lanes. There are no sidewalks along the roadway.
- C. Liberty Hills Drive a private street providing for two way traffic within an approximate twenty (20) foot pavement width.

SITE CHARACTERISTICS

- A. The approximate 60 acre area is located at the terminus of Liberty Hills Drive, approximately 2,300 feet north of Beaver Road.
- B. The site is comprised of two lots under common ownership.
- C. Access to the site is provided by Liberty Hills Drive, which intersects with Beaver Road.
- D. The site is currently occupied by a church and several accessory structures.
- E. The majority of the site is covered with existing trees.

SURROUNDING LAND USES AND ZONING

- North: Single-family residential dwellings, agricultural land, and vacant land (A-2)
South: Single-family residential dwellings, agricultural land, and vacant land (A-2)

East: Single-family residential dwellings, agricultural land, and vacant land (A-2)
West: Single-family residential dwellings, agricultural land, and vacant land (A-2)

PROPOSED DEVELOPMENT

- A. The applicant is proposing the following:
1. Retention of all existing buildings.
 2. Construction of two (2) retreat/guest cottages.

STAFF COMMENTS

- A. The proposed retreat/guest cottages could be classified as a customary accessory use of the church.
- B. The existing tree cover on the site can provide for a sufficient buffer to all adjoining properties.
- C. Should the Board take action to approve the submitted requests, Staff is suggesting the following condition be considered as part of that action:
1. The rental of the retreat/guest cottages shall not be posted on any third party website and shall not be used as a short term rental.

CONCLUSION

- A. KRS 100.237 and Section 202.C 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,



Michael D. Schwartz
Director, Zoning Services

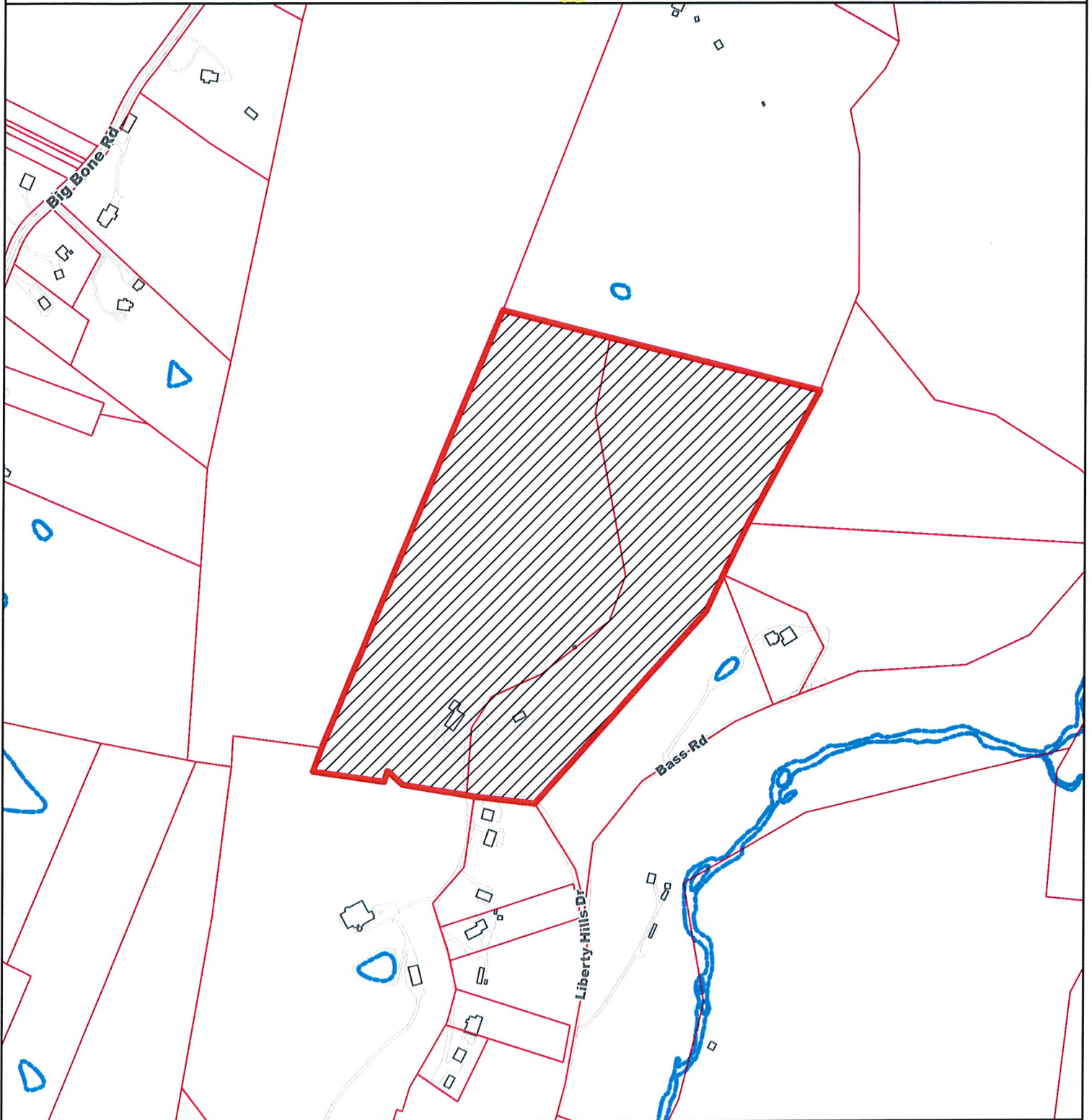
MDS/ss

Attachments

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

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.



0 335 670 1,340 2,010 2,680

1:7,200

Feet



Boone County GIS - Putting Northern Kentucky on the Map

Aerial Map

www.boonecountygis.com



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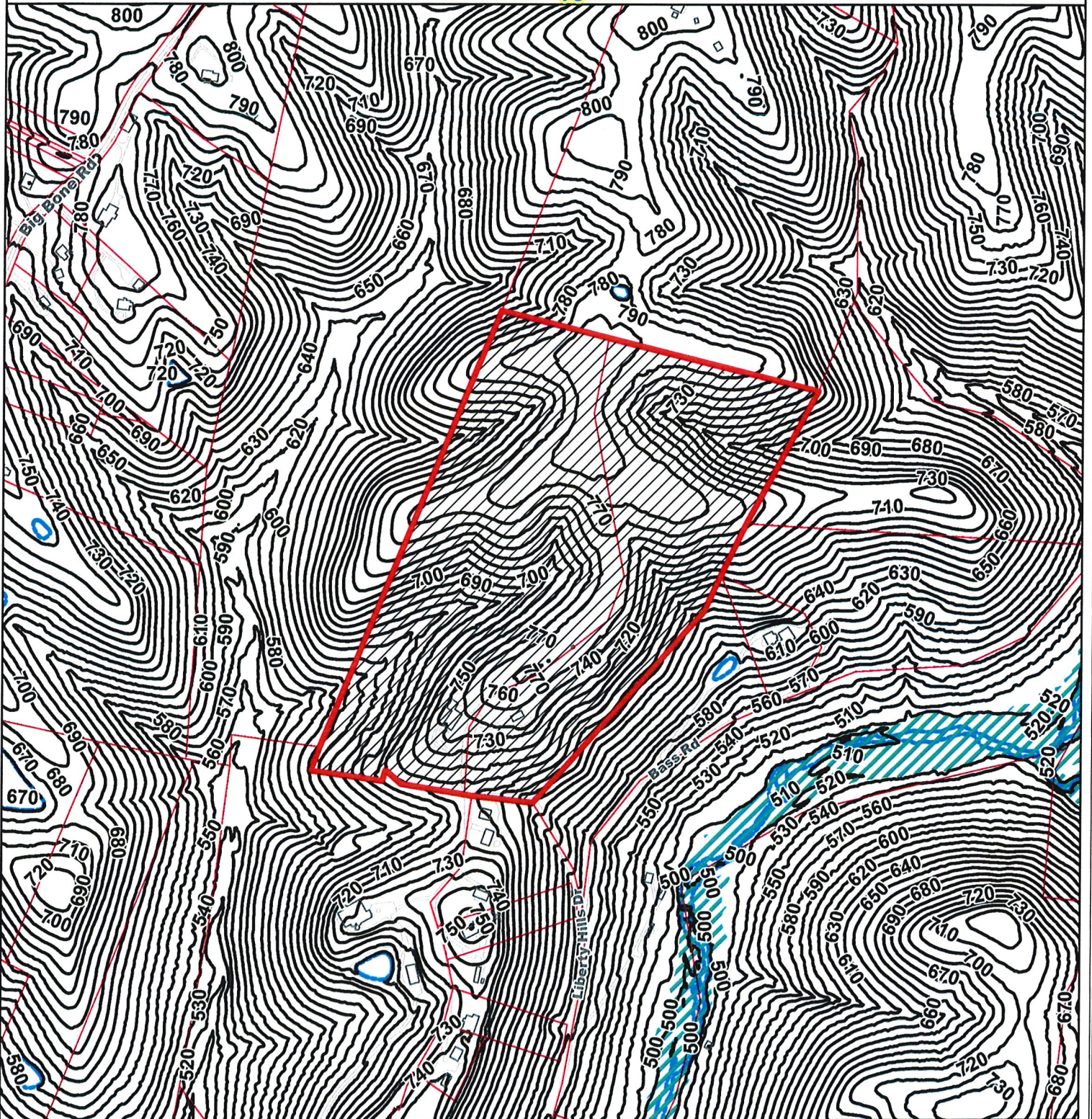
Feet



Boone County GIS - Putting Northern Kentucky on the Map

Topographic Map

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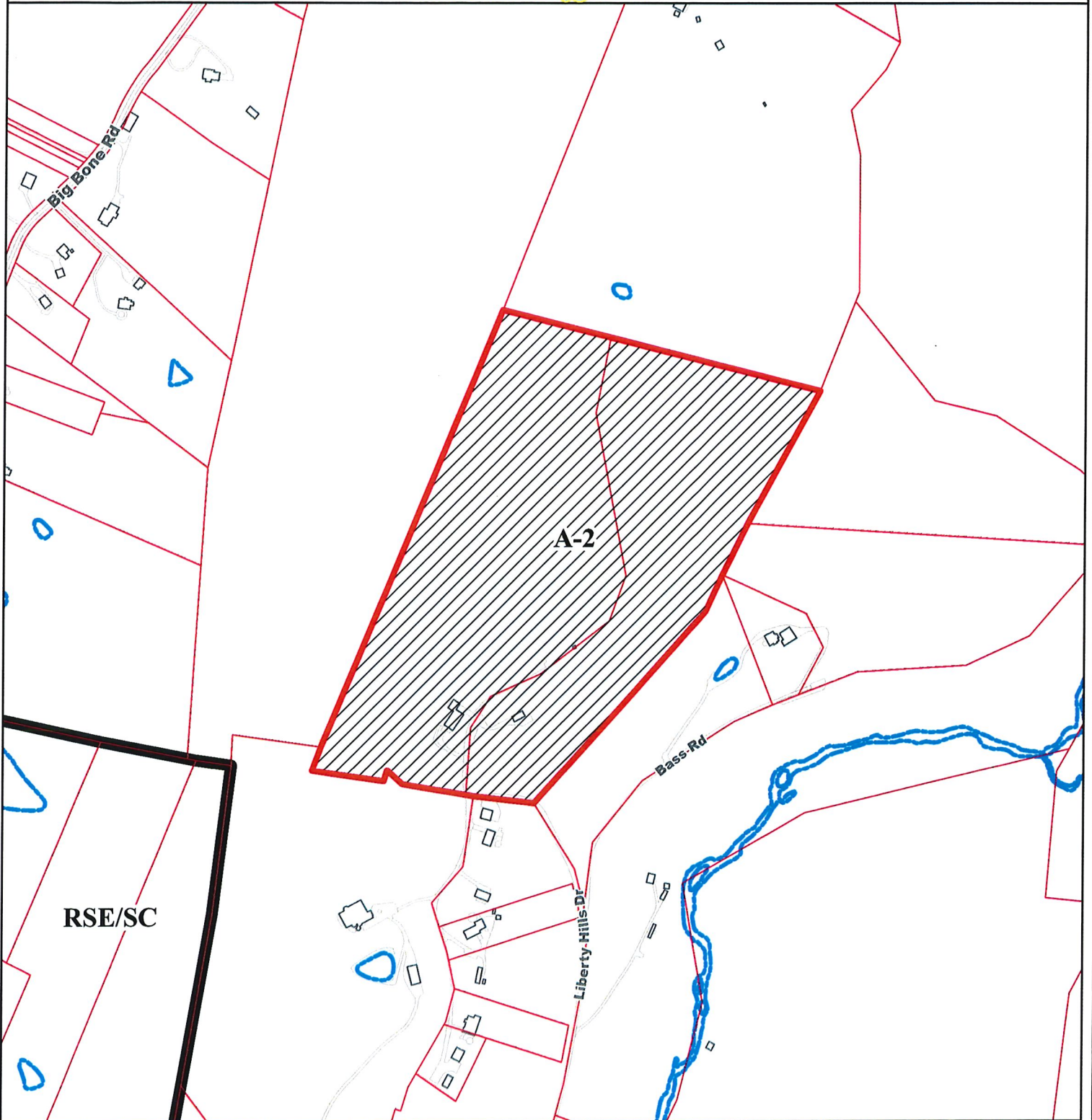
Feet



Boone County GIS - Putting Northern Kentucky on the Map

Zoning Map

www.boonecountygis.com



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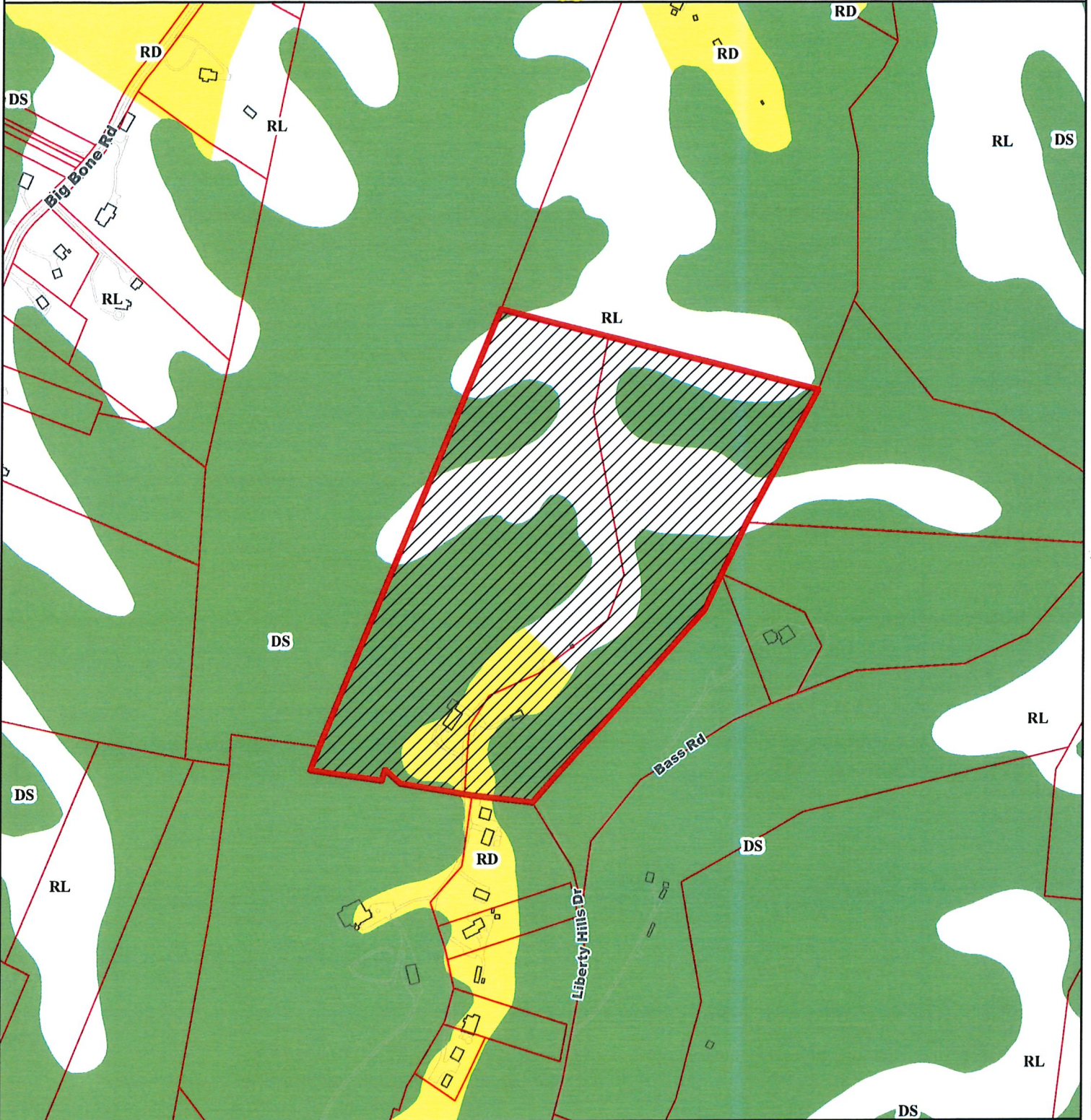


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Boone County GIS - Putting Northern Kentucky on the Map

2040 Future Land Use Map

www.boonecountygis.com



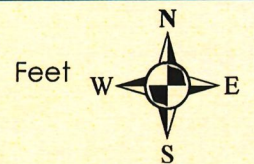
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Email: tberling23@gmail.com
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11. Total Square Footage of Existing and/or Proposed Buildings: 6,585 Sq/Ft
12. Current Zoning: A-2
13. 302 - 498 ✓ 306 - 224 ✓ 2068 ✓
Deed Book Page Group Number
14. 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.

Property Owner's Signature: order of St. Francis of Assisi, Inc
Richard Kuehn (Property Manager)

Applicant's Signature: Richard Kuehn / Tom [Signature]

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

1. Date Received: 5/30/25 Fee Received: \$7600 Receipt #: 92704

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

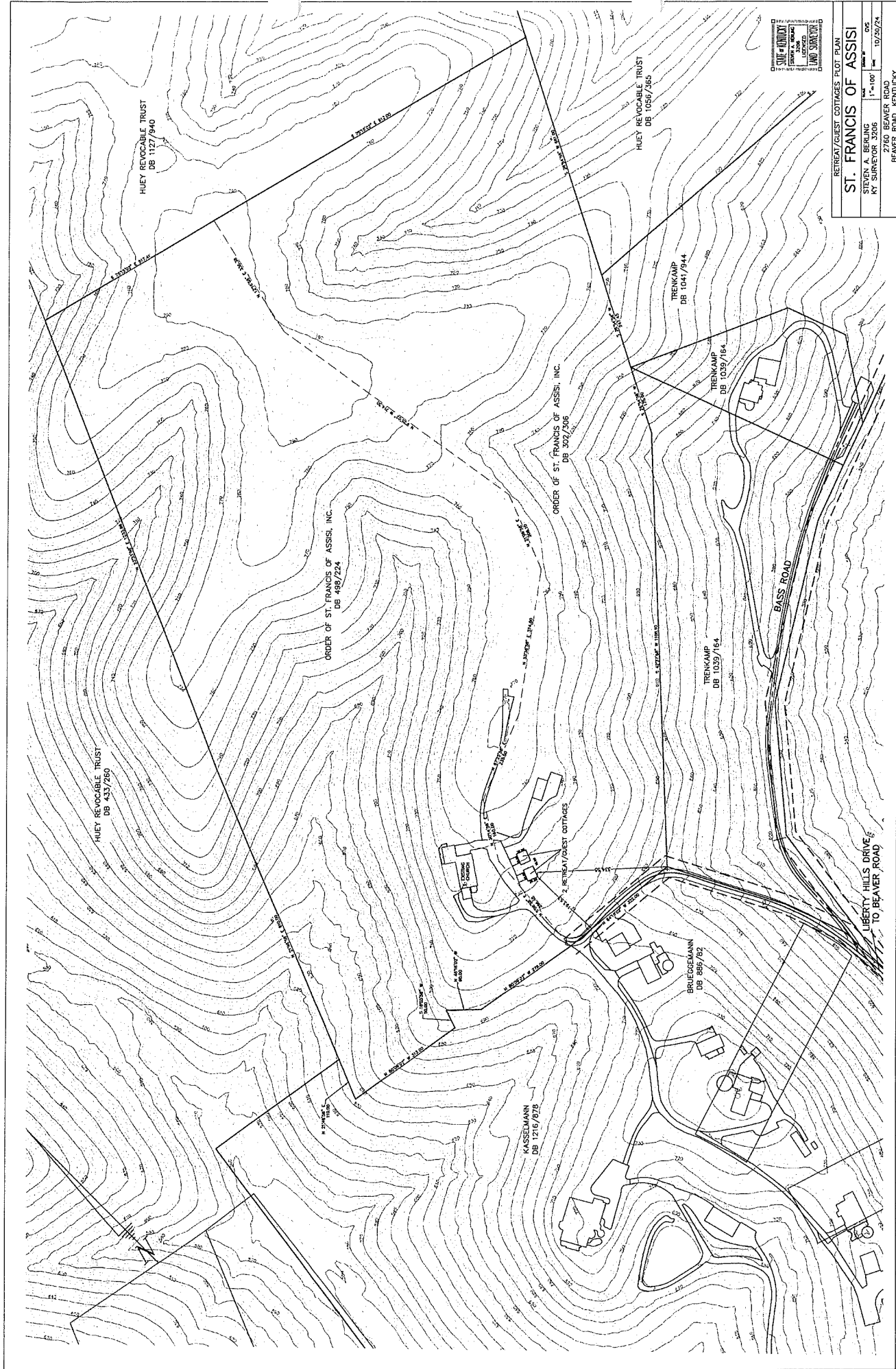
_____ Approved with Conditions (see #6)

_____ 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
plancom@boonecountyky.org
www.boonecountyky.org



RETREAT/GUEST COTTAGES PLOT PLAN

ST. FRANCIS OF ASSISI

CHRISTEN A. REYNOLDS
 KY SURVEYOR 3006

DATE: 10/29/24

SCALE: 1"=100'

2760 BEAVER ROAD
 BEAVER ROAD, KENTUCKY



HUEY REVOCABLE TRUST
 DB 1127/940

HUEY REVOCABLE TRUST
 DB 1056/265

HUEY REVOCABLE TRUST
 DB 433/260

ORDER OF ST. FRANCIS OF ASSISI, INC.
 DB 489/224

ORDER OF ST. FRANCIS OF ASSISI, INC.
 DB 302/206

TRENKAMP
 DB 1041/944

TRENKAMP
 DB 1037/164

TRENKAMP
 DB 1039/164

RETREAT/GUEST COTTAGES

BERGSCHEMANN
 DB 885/162

KASSELHANN
 DB 1216/878

LIBERTY HILLS DRIVE
 TO BEAVER ROAD

BASS ROAD



RETREAT/GUEST COTTAGES PLOT PLAN			
ST. FRANCIS OF ASSISI			
STEVEN A. BERLING KY SURVEYOR 3206	SCALE 1"=100'	DRAWN BY GVS	DATE 10/30/24
2760 BEAVER ROAD BEAVER ROAD, KENTUCKY			

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
The Order of St. Francis of Assisi, Inc.
2760 Beaver Rd
Union, KY 41091

- 2. ADDRESS OF PROPERTY
2760 Beaver Rd
Walton, KY 41094
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
St. Francis of Assisi

- 4. DEED BOOK 498 PAGE NO. 224 GROUP NO. 2068
DEED BOOK 302 PAGE NO. 306 GROUP NO. 2068

- 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

Michael D. Schwartz, Director, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone

County Planning Commission this 10th day of July, 2025.

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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of July 9, 2025, Certificate of Land Use Restriction (#25-BCBOA-015-A), for The Order of St. Francis of Assisi, Inc., Property Owner(s).

The following conditions will apply:

1. The rental of the retreat/guest cottages shall not be posted on any third-party websites and shall not be used as a short-term rental.

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

DEED BOOK 498

PAGE NO. 224

GROUP NO. 2068