

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations).

SECTION A (To be completed by applicant)

- (Check One)
1. Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 2. Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
 3. Applicant's Name First Church of Christ Inc.
Phone Number 525-8227
Applicant's Address 8453 U.S. 42 P.O. Box 546
Florence KY 41042
City State Zip
 4. Description of Request: Permission to build church facility in
SRI Zone
 5. Name of Development _____
 6. Location of Development Parcel 56B Camp Ernst Road (Next to
Extention Office)
 7. Acreage Under Review 21.77 acres
 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
 9. Owner of Property Paul J. and Rose Mary Kahmann
Phone Number 525-2798
 10. Address of Property Owner 8768 Valley View
Florence KY 41042
City State Zip
 11. Proposed Use(s) On Site Church building and recreational facility
 12. Total Square Footage of Existing and/or Proposed Buildings
23,000 square feet
 13. Current Zoning on Property SRI
 14. Deed Book 349 Page No. 300 Group No. 2031
 15. Is the site subject to a zone change? No
If yes, give date of approval _____
 16. Have you submitted a Site Plan with this request? No
 17. Have you submitted a list of adjoining property owners with this request? yes
 18. Applicant's Signature: _____
 19. Property Owner's Signature: Paul J. Kahmann
Rose Mary Kahmann

BOONE COUNTY
BOARD OF ADJUSTMENT

March 8, 1989 - 6:30 P.M.

ANNUAL MEETING

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Fred Nevel
Mr. Walt Ryan
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

None

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. George Whitton, Chairman, called the meeting to order at 6:30 P.M.. The Chairman stated that the Board members had not received copies of the Minutes of the December, 1988 meeting and asked that they be mailed prior to the next meeting for approval at that time.

AGENDA ITEMS:

1. The request of First Church of Christ, Inc. (applicant) for a Conditional Use Permit to allow the construction of a church building and parking facilities in a residential zone. The 21.77-acre parcel is located on the east side of Camp Ernst Road, south of the Extension Office and north of Willow Bend Subdivision in Boone County, Kentucky. The property is zoned Suburban Residential One (SR-1) and is owned by Paul J. and Rose Mary Kahmann.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation. Mr. Doug Powell, Transportation Planner, presented the portion of the Staff Report in regard to traffic and Staff Concerns (see Staff Report).

The Chairman asked who was present in behalf of the request.

Mr. James Parsons, attorney representing the First Church of Christ, stated that he was present in behalf of the request, as was the Reverend Campbell, Mr. Jim Maddox of the Building Committee, and Mr. Nurse of Trinity Church Builders.

Mr. Parsons stated that the church concurs with the Staff's findings. He stated that their existing church at the intersection of U.S. 42 and Evergreen Drive is too small. They plan to construct a 28,000 sq. ft. facility with a worship hall for 900 to 1,000 people. There is room on the site for expansion. In regard to the connector road, using the large map, Mr. Jameson indicated that the church has no problem with the access along the southwestern border of the site and dedicating the property in compliance with the regulations in the event that the connector road would be constructed. However, they do object to taking the connector road along the southwestern border and then moving to the interior of the site to connect to the Oakbrook Subdivision. They are concerned for the safety of children crossing the road. The church would prefer that the road go along the southwestern border to the end of the property. He stated that they believe the costs would be comparable. They are agreeable to the road being moved, provided it stays within approximately 100 feet of the property line. He questioned whether the easement would have to be dedicated in the planning stages as the road may not be built. He stated that they are willing to work with the county in regard to the access problems for Oakbrook and Willowbend. He added that most of their church members live in Boone County.

Mr. Harry Nurse stated that they had met with the Staff. He stated that they want to use the open flat space on the site, leaving as many trees as possible, for recreational purposes. He stated that the road would be straighter and safer along the property line. He noted that the church provides day care and the children may have to cross the road to use the recreational facilities. He stated that they are not proposing the road, but have been asked by Staff to provide the right-of-way. He noted that the road would provide another means of exiting the property. He stated that they would construct the road to the parking area and put in the parking, but beyond that point the road would be built by the governing authority.

The Chairman asked if there was anyone else present who wished to speak in behalf of the request. There being no one, he asked if there was anyone present in opposition or having questions.

Mr. Dan Barker, Greater Cincinnati Airport, stated that the FAA is concerned about the structure causing problems with the VOR. He indicated on the map the location of a 1,000-foot zone that has to be protected. He stated that the FAA form filed by Mr. Maddox in behalf of the church was approved by the FAA, but there is conflicting information. On the form they indicated that the church would be approximately 1,000 feet from the VOR, but the latitude and longitude compute to 1960 feet from the VOR. There is a 960-foot difference. The form was approved based on the latitude and longitude, which may be incorrect. The church needs to file an amended 7460-1 and give correct coordinates and the site elevation. He stated that the structure will be

approximately 50 feet high and may violate the 1.2⁰. They need specific data to determine if there will be navigational problems.

Counselor Wilson advised that the Board could approve the request conditioned on another form being provided to the FAA and FAA approval being given prior to the Conditional Use Permit being effective. The Board could defer the matter. He stated that the applicant needs both approvals as the FAA would be able to stop them from building.

Mr. John Pingle, 1819 Hidden Springs, stated that there are about ten residents present who are interested in looking at the plans. He noted that there are drainage problems in the area.

Ms. Mary Davis, who lives in the last house on Clovernook, stated that they live on the property line and want to know how close the building will be to their house.

Mr. Parsons stated that the FAA form was filed in November, 1988. He asked that the Conditional Use Permit not be delayed for the filing of the form. They are aware that FAA approval is needed. They were not notified by the FAA in regard to their permit dated January 20, 1989. He stated that the Site Plan will provide more specifics in regard to the project. He stated that they have an option on the property and delaying the Conditional Use Permit would not allow them time to exercise their option. He stated that they would not object to a condition in regard to the FAA form.

Mr. John Geisen, 1880 Hidden Springs, stated that they heard the church would empty into the subdivision through Briargate and Clovernook.

Mr. Harry Nurse stated that the building will be wood frame and its current placement is in excess of 1,000 feet from the VOR. The height limit based on the zoning requirements is 45 feet. The steeple will be fiberglass. If there is a problem, then there may be a ground-mounted bell tower of fiberglass. He added that buffering is intended between the church facility and the house. It will be an attractive masonry structure.

Mr. Barker stated that they will do everything they can to expedite the form, but they want specific information.

Chairman Whitton noted that a Site Plan had not be submitted. He stated that the neighbors want to know how the site will be laid out.

Mr. Parsons stated that the basic concerns of the neighbors are in regard to access. The Preliminary Plat indicates that access will be exclusively off Camp Ernst Road using the southwest entrance. They are willing to meet with the property owners involved and the Staff. They are asking for the right to build the church, assuming all the requirements are met.

Reverend Campbell stated that they want to be good neighbors.

Susan McCarthy, 1888 Hidden Springs, stated that they are concerned about the wooded area behind their homes, which is a nature area, and the road.

Mr. Parsons stated that it is not the church's idea to have an access into Willowbend. They will build the access off Camp Ernst Road. The issue in regard to the road is up to the county. The church will provide the easement if necessary.

Mr. Houston moved that the Conditional Use Permit be granted with the condition that the FAA requirements be met and the Site Plan submitted before anything is done so that the neighbors can see the buffers and drainage.

Chairman Whitton noted that the neighbors are concerned about church traffic emptying into their subdivision.

Mr. Houston amended his motion to include a condition that church traffic will not be emptied into the subdivision streets and there will not be a connector from the church into the subdivision. Mr. Nevel seconded the motion.

Mr. Miller asked if the Board was considering the provision of a connector right-of-way through the site. Mr. Houston said no.

Counselor Wilson advised that if the government decides there is a need for the road, they will have to acquire the property by voluntary transaction or eminent domain.

Chairman Whitton asked for a vote on the motion made by Mr. Houston and it carried unanimously.

2. The request of Schleper Development Corporation (applicant) for a Variance to allow a 132-square foot real estate sign. The 125-acre site, located at the northeast corner of I-275 and KY 237, Boone County, Kentucky, is zoned Commercial Two (C-2), Urban Residential One (UR-1) and Industrial One (I-1), and owned by the Schleper Development Corporation.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked if there was anyone present who wished to speak in behalf of the request.

Mr. Tom Schleper stated that they are in agreement with the Staff Report, but may want a variation in the time limit. They are developing 125 acres with twenty-five industrial lots and project a sell out period of five years. He asked that this be considered.

Chairman Whitton advised that the Board has never granted a five-year Variance.

Counselor Wilson advised that in similar types of development the Board has allowed a time limit of about two years with the ability to request extension.

Mr. Breidenstein advised that the longest time limit was 1.5 years for the Miller-Valentine sign. There was no time limit on the Corporex sign. He noted that the majority of the signs are located in Kenton County and there is a pending suit against them for the signs by the Kentucky Department of Transportation.

There being no one else present who wished to speak, Mr. Ryan moved that the request be granted with a 1.5 year time limit. Mr. Nevel seconded the motion and it carried unanimously.

Mr. Houston advised the applicant that he could apply for an extension of the permit.

3. The request of Wayne Hickson of Headrick Sign Company (applicant) for a Variance in the number of free-standing signs to allow the erection of a 240-sq. ft. sign with a height of 28 feet. The 4.5-acre site, located at the northeast quadrant of the intersection of I-75 and KY 338, is zoned Commercial Services (C-3) and is owned by the B.P. Oil Company.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Wayne Hickson stated that two signs are blocking each other. He stated that the county ordinance allows a sign of 250 sq. ft. and 35-feet high. The proposed sign is 240 sq. ft. and 28 feet high. Using a drawing, he showed the Board how the signs block each other. He stated that they will extend the island and move the sign. He presented an artist's rendering of the proposed sign and photographs indicating the relationship of the two existing signs, which he stated are blocking each other. He stated that the proposed sign is electronically controlled and eliminates the hazard of climbing up to the sign.

Chairman Whitton asked if anyone else wished to speak in favor of the request.

Mr. Steve Furrow, General Manager of Truck Stops of America, stated that the current sign has been in place for a number of years and is not properly illuminated. This will be an upgraded sign and an improvement to the area.

The Chairman asked if there was anyone present in opposition or having questions.

Mr. Dennis Davis, 357 Richwood Road, stated that he is a member of the Richwood Action Committee. He stated that he agrees that the current sign detracts from the area; however, they had a Variance for the second sign and have a free-standing sign that is probably larger than any other sign at the exit. It does an excellent job of drawing traffic. There are signs on the highway indicating that there

are truck stops at the exit. This sign would be used to mark the entrance. The present sign does an adequate job of marking the entrance. He noted that Truck Stops of America removed three existing signs when they obtained their Variance and they were in favor of the design of the sign. If this proposed sign does anything to increase business and traffic at Richwood, it makes a bad situation even worse. If this sign does anything to obstruct Pilot Oil's sign, then they will also make a request and continue the competition of who will have the biggest sign at Richwood.

Don Davis, 377 Richwood Road, agreed with Dennis Davis. He stated that he is a former member of the Planning and Zoning Commission. He noted that there is such a thing as "sign pollution". He stated that if this sign is allowed there will be another proposal for a sign.

At this time, the Board members discussed with Mr. Breidenstein the sizes of other signs in the area and their respective heights.

Mr. Furrow stated that they are asking to replace an existing sign, not to add a sign.

Chairman Whitton stated that they have an existing sign, but want to make it bigger. He noted that the last time the Board granted this request, the applicant conceded by giving up three signs.

Mr. Hickson stated that the proposed sign is larger to allow for the electronic numerals. He stated that they could drop the sign down to 16 feet and it would still be visible over a van.

Mr. Furrow stated that the Pilot Oil sign interferes with replacing the sign in the same spot.

Mr. Dennis Davis stated that the sign is very visible and there are no obstructions.

Mr. Don Davis stated that if the sign is moved in, there is more signage as they are not stacked. He noted that they should have one large sign and one monument sign.

Mr. Ryan moved that the request be granted for a 110-sq. ft. sign (the same square footage as they currently have), at the same height, and in its same location. Mr. Archambault seconded the motion and it carried unanimously.

4. The request of Thomas Hackman (applicant) for a change in Non-Conforming Use to allow the conversion of an existing commercial structure for personal storage, warehousing, and retail. The approximate 0.5-acre site, located on the south side of Petersburg Road at Idlewild Road, is zoned Rural Suburban Estates (RSE) and is owned by Margie and Lewis Adams.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Henry Kramer, representing Tom Hackman, stated that this property is basically abandoned and in poor repair. Mr. Hackman wants to buy the property, clean and renovate it. He will put money into doing the things Staff suggests. He has a contract to purchase, subject to approval of this request. He does not know who will rent the property from him. The off-street parking is a problem and the place suggested by Staff is probably the only feasible place. They want to have the garage and garage door area remain the same. They will replace the roof. There will be no further storage or parking in front of the building. Mr. Hackman's main concern is what Staff wants in regard to the occupancy and detailed drawings of the parking. He does not want to be specific as to how it will be fixed up at this time. He stated that there is a driveway that leads to the garage and if that portion of the garage is used for warehousing, there would be vehicles coming in there. The driveway is right off the road into the garage. The garage faces KY 20.

Mr. Nevel stated that if a truck backed up to the garage, the front end would be sticking out on KY 20. He stated that you could not see a car coming around if you were coming from Idlewild Road.

Mr. Hackman stated that there is an inset to the building. An alternative would be to make the parking apron wider. He stated that he will have to address the parking as there is very little. The parking indicated by the Staff on the west side is really the only alternative. He stated that the parking will be dependent on who the tenants will be.

Mr. Breidenstein advised that a plan could be submitted to the Staff each time so that Staff can determine the need for parking, but this would be difficult to administer. They would have to rely on Mr. Hackman to approach the Staff every time he has a prospective tenant.

Mr. Hackman stated that his concern is that he would not be able to use the garage door to the front of the building. If restrictions would disallow the use of the garage door, then a lot of the value of the building is lost. He stated that one option would be to allow trucks to back into the garage. He will renovate the garage area first. He stated that the roof had rotted and was removed by the owner. He will paint or sandblast the building. The building is brick. He stated that the site is zoned residential but it is a commercial building never used for residential purposes. It has no residential use. It has some value for commercial purposes.

Mr. Breidenstein stated that backing into the garage would create a traffic hazard in consideration of the speed of the road and the curve of the road. He stated that a small truck or car may be able to back into the area in front of the garage area parallel to the road.

Following discussion of the ways to enter and exit the garage, Mr. Nevel stated that someone would have to be on the road directing the traffic in order to use the garage door. Chairman Whitton suggested that the request be tabled to allow the applicant to make a proposal in regard to the garage access.


Mr. Ryan moved that the request be tabled until the April Meeting.
Mr. Nevel seconded the motion and it carried unanimously.

Election of Officers:

Mr. Ryan moved that Mr. George Whitton continue as Chairman, that Mr. Archambault be Vice Chairman, and that Mr. Ryan be Secretary/Treasurer. Mr. Archambault seconded the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 8:40 P.M..

APPROVED:



George D. Whitton, Chairman

Attest:



Jan Hancock, Recording Secretary