

REVIEW NO. _____

APPLICATION FORM
BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. (Check One)
 Boone _____ Florence _____ Walton _____ Union
- 2. (Check One)
 Conditional Use Permit _____ Variance _____ Appeal
_____ Change in Non-Conforming Use
- 3. Applicant's Name Victory Baptist Church by Richard Haggett,
Phone Number 342-8261
Applicant's Address 4249 Lafayette Ct
Erlanger Ky 41018
City State zip
- 4. Description of Request: Converting AN EXISTING RESIDENCE
To A CHURCH.
- 5. Name of Development VICTORY BAPTIST CHURCH
- 6. Location of Development 9066 Gunpowder
Florence Ky 41042
City State zip
- 7. Acreage Under Review 4.3 Acres w/2
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
- 9. Owner of Property Francis & Virginia Chapman
Phone Number _____
- 10. Address of Property Owner 9066 Gunpowder
Florence Ky 41042
City State zip
- 11. Proposed Use(s) On Site Church and Church related
ACTIVITIES.
- 12. Total Square Footage of Existing and/or Proposed Buildings
Existing house - 1800 sq ft
- 13. Current zoning on Property Residential
- 14. Deed Book 391 Page No. 29 Group No. 2048A
- 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: Victory Baptist Church by Richard Haggett, Pastor
- 19. Property Owner's Signature: Francis D. Chapman

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 12-15-89
2. Fee Received \$181.00 R# 73CH
3. Is application complete? _____ Yes _____ No
4. Staff Reviewer TOM BREIDENSTEIN
5. Scheduled Board Action Date 1/10/90
6. Board Action:
_____ Approval
 Approved With Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: Approval will be given, when & if Northern KY Dist. Health Dept. issues OK for size of exist septic tank. See Attached Report. (include this w/CLUP) Also - Expansion of USE requires BOARD Approval
8. Reasons For Disapproval: _____

BCPC:7/11/88

STAFF REPORT

APPLICANT: Victory Baptist Church (Richard Haggett, pastor)

DEVELOPMENT: church

LOCATION: 9066 Gunpowder Road

ZONE: Suburban Residential One (SR-1)

DATE: January 10, 1990

REMARKS:

The applicant is requesting a Conditional Use Permit to allow the conversion of an existing single family residence into a church. The 4.3 acre site, located on the east side of Gunpowder Road south of Ridgeview Drive, is zoned Suburban Residential One (SR-1) and is owned by Francis Chapman.

A building permit was issued on June 16, 1989 for an 1,800 square foot house on this property. The applicant intends to convert this nearly completed house into a church. This facility is projected to initially accomodate thirty (30) worshipers. The applicant has not indicated the maximum number of people who will use the proposed church, but has stated that the 4.3 acres allow room for expansion in the future. Services will be held on Wednesday and Sunday evenings and on Sunday mornings. At this writing, the applicant is uncertain as to whether or not the house will be used as a parsonage as well as a meeting hall. No plot plan has been submitted with this application.

The following reviews the general criteria for Conditional Uses in the County:

1. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future of this property to be Medium Density Residential (MDR) which is described as "three to eight dwelling units per acre." No specific mention is made of the subject property in the Land Use Element of the Plan. Likewise, no mention is made of future locations for churches in the County. The Plan does make general statements which can be applied to churches such as the overall objective:

"There is nothing inherently incompatible between the various broad categories of land use. Residential, commercial, industrial, and institutional uses can coexist provided proper design principles are applied in developments to minimize frictions created by activities of whatever diversity." (p.G-1)

2. The house has been designed and constructed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity. The applicant is not intending to drastically change the appearance of the house.
3. A church will not be hazardous to existing or future neighboring uses.
4. The site is adequately served by essential public facilities and services.
5. A church will not create excessive additional requirements at public cost for public facilities.
6. Churches do not involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general public.
7. The established vehicular approach to the property will not create an interference with traffic on Gunpowder Road.

The Board must also consider specific criteria which apply to Conditional Uses in SR-1 zoning districts:

- a. A church will not contradict the low intensity character of the area.
- b. The arrangement of the house (and proposed church) is compatible with the organization of permitted and accessory uses to be protected in the area.

Staff Concerns

1. With a projected congregation of 30 people, this church would be required to provide parking for 6 automobiles. Currently, there is adequate parking for 6 cars, but as the congregation grows, parking needs will increase. Therefore, staff would suggest as a condition should this permit be approved, that the applicant submit a detailed parking scheme to the Planning Commission staff for review when the congregation grows to forty (40) people. The purpose of this plan would be to ensure that a proper parking arrangement can be constructed upon expansion of the congregation. Staff does not believe that an engineer's services are required for this plan.
2. Prior to Building Permit approval, a sewage permit was issued to the owner for the installation of a septic system. Staff

Staff Report - Victory Baptist Church

Jan. 10, 1990

has requested that the applicant determine from the Northern Kentucky Health District whether or not modifications of the approved system will be required. Staff would recommend as a condition of approval that any subsequent sewage permit be obtained prior to occupancy of the house. If no permit is necessary, documentation of this fact should be submitted for the Board's file.

Respectfully submitted,



Thomas W. Breidenstein
Zoning Enforcement Officer

TWB:twb

BOONE COUNTY
BOARD OF ADJUSTMENT

January 10, 1990 - 6:30 P.M.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Mr. Archambault at 6:30 P.M..

Approval of the Minutes:

Mr. Archambault noted that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of December 13, 1989 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Ryan moved that they be approved as mailed. Mr. Houston seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Kenneth S. Heil and Michael Macke for a Conditional Use Permit to allow the construction of an 18-hole golf course. The 409.59-acre site, located on the southwest side of Williams Road, north of I-275, is zoned Agriculture (A-1) and is owned by Kenneth S. Heil and Michael Macke.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton arrived at this time. He asked if there was anyone present in behalf of the request.

Mr. Willie Mathis, representing the developers, stated that the Staff Report touched on all points of the ordinance in regard to this matter. He introduced Mr. Heil and Mr. Macke, as well as their architect. He stated that this request does not include any residential development. The golf course takes up the space and does not leave areas for residential development.

Chairman Whitton asked if anyone else wished to speak either for or against the request or if there were any questions.

Mr. Gofton Ware stated that he wanted to register his name, but did not wish to speak at this time.

Mr. Archambault noted that the clubhouse was large and questioned this. Mr. Heil stated that the clubhouse will store the golf carts on the lower level. This is a high-ticket country club and the personnel will store the clubs there, which will take up about 50% of the space. Each person will also have a locker, which will take up 50% of the remaining space. The balance of the space will be a pro shop and dining facility.

Mr. Lawrence Pieper questioned if the building of homes or condos down the road would be precluded.

Mr. Heil stated that these uses would be precluded and stated that they are interested in a golf club and not a residential community. They have cut off the course so that there cannot be homesites there.

There being no further comments, Mr. Archambault moved that the Conditional Use Permit be granted. Mr. Houston seconded the motion and it carried unanimously.

2. The request of the Victory Baptist Church for a Conditional Use Permit to allow the conversion of a single-family residence into a church. The 4.3-acre site, located at 9066 Gunpowder Road, is zoned Suburban Residential One (SR-1) and is owned by Francis Chapman.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton noted that two cars could not pass in the driveway and asked if the Staff had concerns about the driveway.

Mr. Tulley advised that the driveway does not need to be upgraded for the amount of traffic. The traffic will be coming in at one time and going out at one time and there would not be a conflict.

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

Mr. Rick Hagett stated that the establishment of a church would not be contradictory to the standards. He does not see a problem with maintaining the standards now or in the future. They intend to maintain the safety conditions that are needed. They understand that they would have to modify the driveway if they grow. They contacted the Northern Kentucky Health Department to reevaluate the situation in regard to sewage. The Health Department said that the present sewage system would be appropriate for their current needs; but when they expand and build another facility, they would have to get another permit.

Chairman Whitton requested a copy of the report from the Health Department. Following review of the report, Chairman Whitton indicated that the report stated that the area for the church must be flagged and there must be a 200,000 gallon tank. He stated that he will turn the form over to the Staff and they will work with the applicant in this regard.

In response to questions from Mr. Archambault, Mr. Newton advised that a Plot Plan would not be required at this time as there is one on file from when the house was constructed.

Chairman Whitton asked if anyone else wished to speak for or against the request, or if there were any questions or any comments from the Board.

There being no further comments, Mr. Houston moved that the Conditional Use Permit be granted subject to the conditions that the applicant understands that they must come back if they increase the size of the building or the congregation which will require additional parking and Site Plan Review, as well as sewage treatment. Also, subject to the condition that the letter from the Health Department satisfies Staff's concerns and meets the criteria; and indicates that the building "as is" is okay at this time. Mr. Ryan seconded the motion and it carried unanimously.

3. The request of Henry C. Warden, Jr. for a Conditional Use Permit to allow the construction and operation of a commercial boarding stable. The 13.77-acre site, located at 10845 Big Bone Road, is zoned Agricultural Estates (A-2) and is owned by Henry C. Warden, Jr.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

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

Mr. Warden, the applicant, stated that their plan is to board local residents' horses. He will provide a full-scale facility with riding ring.

Chairman Whitton asked if there was anyone present in opposition to the request or any comments from the Board.

There being no discussion, Mr. Ryan moved that the Conditional Use Permit be granted. Mr. Houston seconded the motion and it carried unanimously.

Election of Officers - 1990:

Mr. Ryan moved that the current officers remain in office, i.e., Mr. Whitton - Chairman, Mr. Archambault - Vice Chairman, Mr. Ryan - Secretary/Treasurer. Mr. Dan Houston seconded the motion and it carried unanimously.

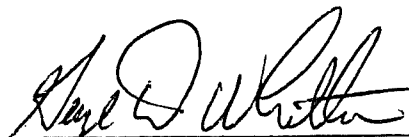
Board Items:

Mr. Gerald Newton, Director, advised that the Bigg's request will go to the Fiscal Court in February. The line has not become an issue again.

Also, the Board is behind in anticipated revenue and there is a new fee schedule.

There being no further business to come before the Board, Mr. Archambault moved that the meeting be adjourned. Mr. Archambault seconded the motion. The meeting was adjourned by unanimous consent at 7:05 P.M..

APPROVED:



George D. Whitton, Chairman

Attest:



Jan Hancock, Recording Secretary