

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 Ron Neal
Phone Number 580-6425
Applicant's Address 47st Over Rd Hebron Mo
City _____ State _____ Zip _____
4. Description of Request: want to construct a church with seating capacity of 100.
5. Name of Development Community Full Gospel Fellowship
6. Location of Development Elijah Creek Rd Hebron
Just East of 275
7. Acreage Under Review 3.695
8. Lot Number and Name of Subdivision (if part of a subdivision)
2 - Tabitha Tanner Division
9. Owner of Property Dave and Jill Peebles
Phone Number ~~42966~~ Barchester 1-313-981-5610
10. Address of Property Owner 42966 Barchester
City Michigan State _____ Zip _____
11. Proposed Use(s) On Site To hold religious Services and religious purposes.
12. Total Square Footage of Existing and/or Proposed Buildings
5,200 in proposed building.
13. Current Zoning on Property A 2
14. Deed Book 210 Page No. 276 Group No. 2008
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? yes
17. Have you submitted a list of adjoining property owners with this request? yes
18. Applicant's Signature: _____
19. Property Owner's Signature: Dave & Jill Peebles

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received _____
2. Fee Received _____
3. Is application complete? Yes _____ No
4. Staff Reviewer Amy J. Moore
5. Scheduled Board Action Date August 8, 1990
6. Board Action:
 Approval
 Approved With Conditions (See #7)
 Disapproved (See #8)
7. Conditions: none

8. Reasons For Disapproval: _____

STAFF REPORT

#3

DEVELOPMENT: Community Full Gospel Fellowship Church
APPLICANT: Ron Neal
LOCATION: Elijah's Creek Road, Hebron, Kentucky
ZONING: Agriculture Two (A-2)
DATE: August 8, 1990
REMARKS:

The applicant is seeking a Conditional Use Permit to construct a 60 X 60 foot church building and a parking lot. This development is to be located on Elijah Creek Road, Hebron, just north of I-275. The property is zoned Agricultural Estate (A-2) and is owned by Dave and Jill Peebles.

The property surrounding this site is zoned Agricultural Estate (A-2). The adjoining land uses include:

North, South and East: heavily wooded and undeveloped land

West: two single-family homes and heavily wooded land

Article 6, Section 613 of the Boone County Zoning Regulations states that one of the conditional uses that is permitted on any site zoned Agriculture (A-2) is "churches, synagogues, temples and other places of religious assembly for worship."

The following reviews the criteria that the Board must use to judge all Conditional Use Permit requests:

1. The activity will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan and/or zoning order.

The 1990 Boone County Comprehensive Plan specifically discusses development along Elijah's Creek Road.

"In its current condition, Elijah's Creek Road is not suitable for serving additional traffic. Development of this area must be carefully planned, with great care taken in preserving and protecting the surrounding Developmentally Sensitive hillsides and existing vegetation clusters on the site. This includes the wooded area immediately west of the main residences now existing on the property. (p. 210)

No other references are made to this area or to the proposed use of the site in the 1990 Boone County Comprehensive Plan.

2. The activity 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 area.

Since a formal site plan was not submitted, it is difficult for Staff to determine whether the church will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the general vicinity.

3. The church use will not be hazardous to existing or future neighboring uses.
4. Staff feels that the proposed use should be adequately served by essential public facilities and services.
5. Excessive additional requirements at the public cost for public facilities and services should not be created or be detrimental to the economic welfare of the community.
6. The proposed use and operation of a church will not be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odor.
7. The vehicular approaches to the property will be designed so as not to create an interference with traffic on surrounding public streets.

Because of the poor site distance along Elijah's Creek Road, it may be difficult to design a vehicular approach to the property that does not interfere with traffic in the surrounding area.

The Board must also consider specific criteria which apply to Conditional Uses in A-2 zoning districts:

- a. The activity is an integral part of the agricultural or residential use of the land, and the activity is not of the scale, nature or other character which will detract or conflict with the principal purposes of the district.
- b. 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, transcend or conflict with the principal purpose of the district.
- c. The arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

STAFF CONCERNS:

1. As stated above, the site distance from this property along Elijah's Creek Road is poor. One suggestion that Staff has to improve the site distance is to move the driveway from where it is illustrated on the plan about 75 feet south.

The width of Elijah's Creek Road varies between 15 and 19 feet. In relation to the Boone County Subdivision Regulations, the existing road is substandard. The regulations state that the minimum width of any road may be is 25 feet. A one-lane bridge is also located further east on Elijah's Creek Road.

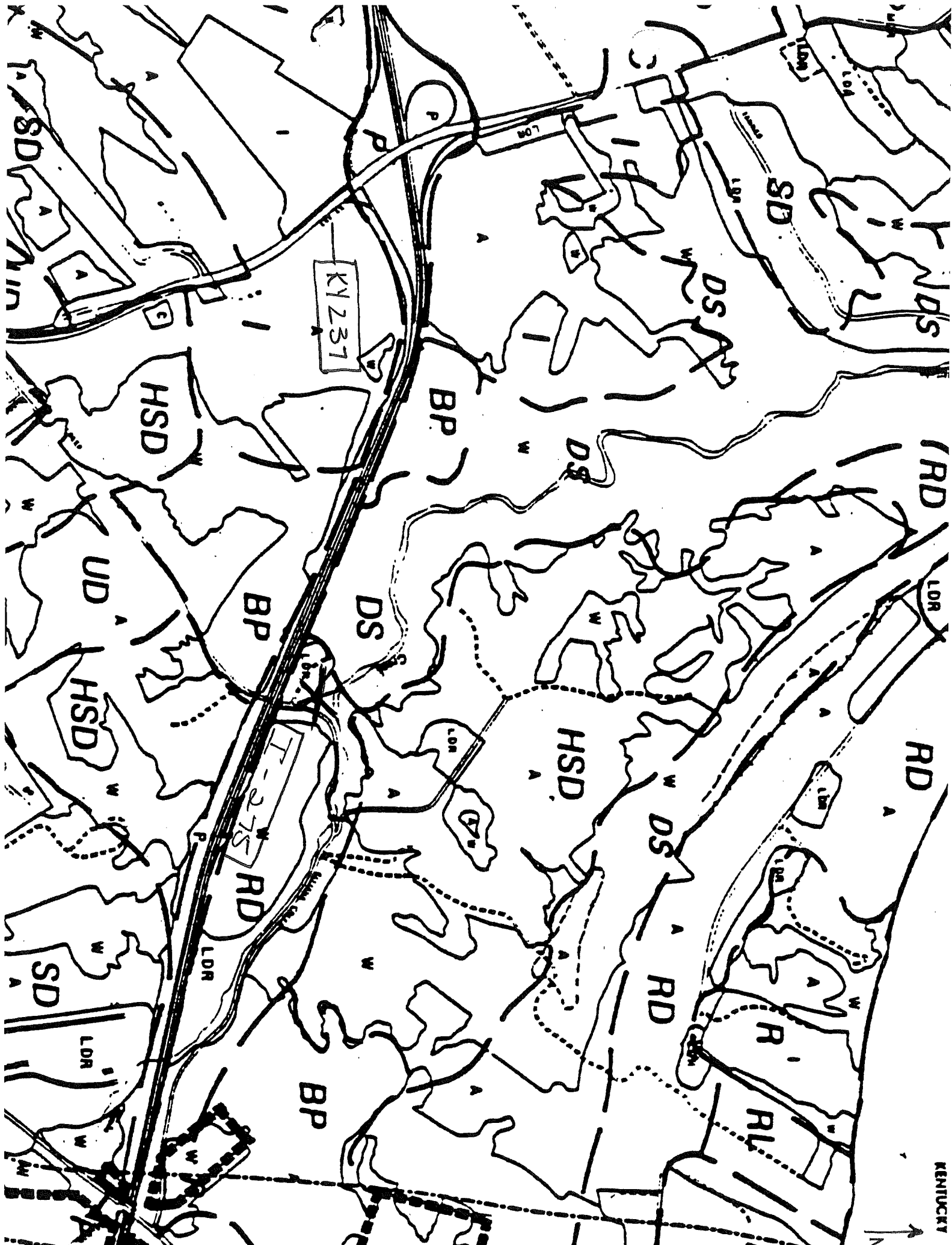
2. This site lies directly to the east of an area that is labeled Developmentally Sensitive (DS) in the 1990 Boone County Comprehensive Plan. It contains many of the features of the Developmentally Sensitive area. Special consideration should be taken to preserve the topography of the site.
3. Flooding on this site may be a problem for any development. The site is covered with soil called Nolin Silt Loam. The Soil Survey of Boone, Campbell and Kenton Counties states that this type of soil is subject to flooding in the winter and spring.
4. An existing overhead power line presently runs north and south through the site. This power line may have a 100 foot wide easement that would prevent the applicant from developing the site in the way that the layout illustrates.
5. Staff also has concerns with establishing a sanitary sewer system on the site. Due to its topography, it may be very difficult to construct an effective septic system.

Attached to the report is a copy of the plat and where the applicant intends to place the church and parking lot. Also attached are a sections of the current zoning map and the future land use map containing the site.

Respectfully Submitted,


Amy S. Moore
Plans Examiner/Planner I

ASM:mcb



BOONE COUNTY BOARD OF ADJUSTMENT
BUSINESS MEETING

August 8, 1990 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Fred Nevel
Mr. Walt Ryan

BOARD MEMBERS NOT PRESENT:

Mr. George Whitton, Chairman

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 Board member had received a copy of the Minutes of the Boone County Board of Adjustment meeting of July 11, 1990 and asked if there were any comments or corrections.

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

Agenda Items:

1. The request of The Drees Company for a Conditional Use Permit to allow the installation of an off-premise sign and a Variance to allow the sign closer than 1,760 feet from an existing off-premise sign. The 54.6-acre site located on the north side of Burlington Pike, across from the eastern entrance to Boone Aire Road (Square D Company), is zoned Industrial One (I-1) and is owned by the Square D Corporation.

Counselor Wilson reviewed the Staff Report prepared by Mr. Tom Breidenstein. He stated that there were some legal questions involved as to what may be appropriate for a temporary sign. This is addressed in the supplemental Staff Report, along with references to the Comprehensive Plan. The questions involved the appropriateness of this kind of use at this location and there was discussion

at the July 19 meeting about this being a temporary sign for a period of one to two years. He noted that there were representatives of The Drees Company present who had attended the meeting.

Mr. Bruce King of the Drees Company stated that they are asking for permission to put a sign at the front of Square D to direct traffic down Boone Aire Road. It is not an advertisement-type sign. It is an attractive sign with lattice work underneath it. He stated that there is a picture of the proposed sign attached to the Staff Report. He stated that the sign will be helpful to get the traffic into the site safely.

Counselor Wilson stated that this is a Conditional Use request in the I-1 Zone. The request is for an off-premise sign of 15 sq. ft.. It is about two feet from the ground to the sign and the sign is 3' x 5'.

In response to a question from Mr. Ryan, Mr. King advised that they want the sign for one to two years. This could be reviewed again in 18 months. When they get down to a small number of homesites left, they will probably remove the sign.

Mr. Houston noted that the turn lane on KY 18 had been paved for easier access.

Counselor Wilson noted that the KY 18 corridor is noted in the Comprehensive Plan as being significant and there are large undeveloped areas. By having the sign on a temporary basis, as each interval elapses, the Board can reconsider its appropriateness for the area.

Mr. Archambault asked if there was anyone else present who wished to speak in regard to this request. There was no response.

Mr. Houston moved that the Conditional Use Permit be granted for a period of eighteen months. Mr. Ryan seconded the motion and it carried unanimously.

2. The request of Hebron Baptist Church for a Conditional Use Permit to allow the construction of a building addition and parking lot expansion. The 5.9-acre site is located at 1488 Petersburg Road, Hebron, Kentucky. The site is zoned Suburban Residential One (SR-1) and is owned by the Hebron Baptist Church.

Staff Member, Greg Tulley, presented the Staff Report which had been prepared by Amy Moore and included a slide presentation. He noted that this area had been before the Board on two previous occasions -- once for the church and once for the two-story house near the church. He noted that the subject parking lot is separate from the existing parking lot and the trees will remain. (See Staff Report).

Mr. Archambault asked if there was anyone present from the church who wished to speak in behalf of this request.

Mr. Harry Nurse of Trinity Church Builders stated that also present in behalf of the request was their architect, Mr. Fenney and four members of the church. Mr. Nurse stated that they are trying to provide better parking, more than is required by code. He stated that the sanctuary can handle more people than they can handle in education and fellowship and they are trying to address this. He stated that they would like their Site Plan Review done at Staff level so that they do not have to wait another month before starting construction.

Mr. Archambault asked if there was anyone else present who wished to speak in regard to this request. There was no response.

There being no discussion, Mr. Nevel moved that the Conditional Use Permit be granted and that the Site Plan be approved by the Staff. Mr. Ryan seconded the motion.

Counselor Wilson advised that the Site Plan Review needs to be handled by the Planning Commission.

Mr. Nevel amended his motion to indicate that they must follow the proper process of Site Plan Review by the Planning Commission. Mr. Ryan seconded the amended motion and it carried unanimously.

3. The request of Ron Neal for a Conditional Use Permit to allow the construction of a church. The 3.695-acre site is located on Elijah's Creek Road, Hebron, Kentucky. The site is zoned Agriculture Two (A-2) and is owned by Dave and Jill Peebles.

Staff Member, Greg Tulley, presented the Staff Report prepared by Amy Moore (see Staff Report). Mr. Tulley advised that notice was received today that a sanitary sewer system on the site would be allowed.

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

Reverend Ronald Neal stated that the area has approximately two acres of flat ground. There is an embankment by the creek. He stated that they have a sewage permit. He stated that two entrances are shown on the Site Plan -- one to the north and one to the south. They have no problem with only having the one to the south. The only reason they put in the one to the north is that when you are sitting in the curve you can look both ways. If the Board finds the entrance to be dangerous, then they will keep to one exit.

There being no one else present in favor of the request, Mr. Archambault asked if there was anyone present in opposition to the request.

Ms. Leoda Feldhouse stated that she was interested in the sewage treatment and the parking. She lives directly behind the site. Ms. Feldhouse stated that three owners were going to build on the site, but none of them did. She was told that there is only a limited space where you can build. She stated that

the curve is dangerous. Ms. Feldhouse stated that she does not object to the church. She noted that the back of the property will flood. She also has a problem with the culvert. She noted that this is a high vandalism area. Her house has been entered twice and many times things have been taken from her garage. She has to use a post office box as people take her mailbox. She stated that there will be many times when there is no one at the church and she is concerned about safety.

Reverend Neal stated that they are currently in the Hebron Hardware Plaza. They can seat 120 people. He stated that the code is one parking space for every four seats. There is a flat area on the up end of the property that will easily park 36 to 38 cars. If they move to the left-hand side of the property, they will have to come back for approval of a 3-foot covered culvert to show 50 to 60 parking spaces. The building will seat 120 people with a future 24-foot wing for up to 200 people. If growth continues, then there could be a balcony. He stated that they know Elijah's Creek is rough and are aware of the vandalism -- which is one of the reasons they are needed there.

There being no further comments from the audience, Mr. Archambault asked if there were any questions from the Commission.

Mr. Nevel questioned what would happen if they found out who owns the power line and there is a 100-foot easement. He asked how this would affect the location of the building and the parking lot. He stated that they would not be able to build within the easement.

Mr. Tulley stated that they could not build in the easement without approval, which may not be given. The Staff's opinion is that there would be a problem in regard to the topography and location of the building if there is a 100-foot easement. He noted that the back of the lot is steep.

Reverend Neal stated that if they find there is a 100-foot easement, they will no longer be interested in the property.

Counselor Wilson commented that the extent to which they could build in the easement is governed by the terms of the easement.

Ms. Feldhouse stated that she has a C.G.&E. tower on her property with a 100-foot easement. She assumes the easement on this site is for an Owen County line.

Mr. Nevel moved that the Conditional Use Permit be granted. Mr. Ryan seconded the motion.

Mr. Ryan questioned if moving the entrance was a problem. Reverend Neal stated that it was not.

There being no further comments, Mr. Archambault asked for a vote on the motion made by Mr. Nevel and it carried unanimously.

4. The request of Gerald Dusing, agent for McDonald's Corporation, for clarification of previously approved conditions of a Change in Non-Conforming Use. The site is located on KY 338 and is owned by Thomas Bishoff.

Counselor Wilson stated that he has reviewed the Staff Report and there appears to be a question as to whether or not the approvals granted at the April 11, 1990 meeting included the menu board.

Mr. Dusing stated that they want to get clarification. There is a letter included in the packets indicating their position. Also included in the packets are copies of the April 11, 1990 Minutes and he has checked the relative comments. He noted that the Minutes reflect that the sign was 50' x 18' and that he held up a picture of it. He quoted the motion on Page 7 of the Minutes.

Mr. Dusing stated that when they went for their sign permit, Mr. Breidenstein questioned the readerboard as he felt that the Minutes could be read to indicate that they limited themselves to a 50' x 18' sign as a condition of approval of the high rise sign. Their discussion generated his letter to Mr. Breidenstein, a copy of which is in the packet. He stated that when they held up the sign there was discussion and they indicated that there would be a readerboard on the sign, but this was not reflected in the Minutes. He emphasized that the readerboard was on the sign he held up that night.


Counselor Wilson stated that the readerboard measures about 24 square feet. Mr. Dusing stated that the sign would be 47 square feet plus the 24 square feet. Mr. Nevel commented that it would be about 71½ square feet.

Counselor Wilson advised that if they were not seeking a Variance with a trade off, the sign would be at least 150 square feet. He stated that the Board is being asked to clarify what was granted at the April 11, 1990 meeting. The issue is whether or not the entrance sign included the readerboard.


Mr. Ryan moved that the Board find that the readerboard was included in the motion made at the April 11, 1990 meeting. Mr. Houston seconded the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent.

APPROVED:


I. A. Archambault

Attest:


Jan Hancock, Recording Secretary