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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 IRVIN CROOKER FOR BEECHGROVE Hol. Ch.
Phone Number 534 5100
Applicant's Address 9192 EAST BEND Rd.
BURLINGTON Ky 41205
City State Zip

4. Description of Request: Conditional USE ^{PERMITS} FOR CEMETERY.
~~REMOVE PROPERTY TO~~

5. Name of Development N/A

6. Location of Development N/A

7. Acreage Under Review 2.8767 SEE ATTACHED

8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A

9. Owner of Property WILLIAM TINGLE
Phone Number 586 7185

10. Address of Property Owner 9477 BEECH GROVE Rd
BURLINGTON Ky 41205
City State Zip

11. Proposed Use(s) On Site CEMETERY

12. Total Square Footage of Existing and/or Proposed Buildings
NONE

13. Current Zoning on Property R1

14. Deed Book 211 Page No. 141 Group No. _____

15. Is the site subject to a zone change? YES ~~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: Irvin Crooker

19. Property Owner's Signature: William Tingle

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 11-12-91
2. Fee Received \$ 306.00 R7331
3. Is application complete? Yes No
4. Staff Reviewer Amy Moore
5. Scheduled Board Action Date 12/11/91
6. Board Action:
 Approval
 Approved with Conditions (See #7)
 Disapproved (See #8)
7. Conditions: As Plan approval by Staff only
8. Reasons for Disapproval: _____

STAFF REPORT

#1

DEVELOPMENT: cemetery
APPLICANT: Irvin Crooker for the Beechgrove Holiness Church
LOCATION: Beechgrove Road, Boone County, Kentucky
ZONING: Agriculture (A-1)
DATE: December 11, 1991
REMARKS:

The applicant is seeking a Conditional Use Permit to operate a cemetery. The cemetery is to be located on the west side of Beech Grove Road, approximately 1.2 miles south of its intersection with East Bend Road (KY 338), Boone County, Kentucky. The 2.87 acre site is zoned Agriculture (A-1) and is currently owned by William Tingle.

Article 6, Section 613 of the Boone County Zoning Regulations states that one Conditional Use permitted on any site zoned A-1 is "Cemeteries and mausoleums if adjacent to or in extension of an existing cemetery." The Boone County Zoning Administrator has made the decision that this use also includes the creation of a new cemetery.

The Beechgrove Holiness Church presently owns a cemetery adjacent to the church building located further north along Beech Grove Road. The property owner has indicated to Staff that the church's present cemetery has reached or is reaching its capacity so additional land must be found.

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 Boone County Comprehensive Plan discusses the age growth of the population expected in the County:

"Boone County's population is forecasted to become more elderly in proportion, a national population shift. The shift is due to a large proportion of individuals moving into the 45-64 years old age group and the 65 and older years old age group. From 1990 to 2010 the 0-4 years old age group, the 5-19 years old age group, and the 20-40 years old age group gradually decline in their percentage of total population."
(p. 18)

The Future Land Use Map indicates this site as Rural Density Residential which the text describes as "residential uses that do not exceed one dwelling unit per acre." (p. 199) The text also briefly discusses development along Beech Grove Road:

"Although significant growth is not anticipated for this section during the study period of this Plan, the improvement of Beech Grove Road south from East Bend Road and Dale Williamson road north from Hathaway Road should provide a convenient connection between KY 536 and KY 338. The western half of this section should remain undeveloped or in agricultural uses." (p. 208)

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.

The applicant has not submitted any drawings illustrating the layout of the proposed cemetery so Staff can not comment on this issue.

3. The activity will not be hazardous to existing or future neighboring uses.
4. The activity will be adequately served by essential public facilities and services.
5. Excessive additional requirements at the public cost for public facilities and services will not be created or be detrimental to the economic welfare of the community.
6. The proposed use and operation 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.

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

- 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"

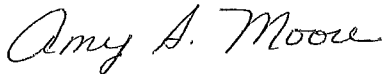
- b. "the activity is necessary to provide the specified public service for the character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and"
- c. "provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district."

STAFF CONCERNS:

1. Although Site Plan Review is not automatically required for proposed developments within A-1 zoning district, the Board may want to consider requiring Site Plan Review due to the traffic that may be generated at this site during certain times.
2. If this request is granted, the church will be required to receive State permits prior the operation of the cemetery. The Board may want to consider requiring the applicant to submit copies of the permits once they are obtained.

Attached to the Staff Report is a copy of a survey of the site.

Respectfully Submitted,



Amy S. Moore
Planner I

ASM:kat

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

William Tingle
9477 Beech Grove Road
Burlington, Kentucky 41005

2. ADDRESS OF PROPERTY

Beech Grove Road
Burlington, Kentucky 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Beech Grove Holiness Cemetery

DEED BOOK: 211

PAGE NO.: 141

GROUP NO.: 2052

4. TYPE OF RESTRICTION (S) (Check all that apply)

<input type="checkbox"/>	Zoning Map Amendment from _____ to _____	<input checked="" type="checkbox"/>	Conditional Use Permit
<input type="checkbox"/>	Development Plan	<input type="checkbox"/>	Conditional Zoning Condition
<input type="checkbox"/>	Subdivision Plat (unrecorded)	<input type="checkbox"/>	Other: (Specify)
<input type="checkbox"/>	Variance		

5. 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

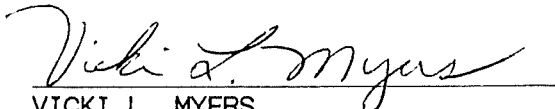
Amy S. Moore
SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

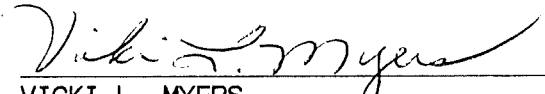
Subscribed, sworn to, and acknowledge before me by Amy S. Moore
on behalf of the Boone County Planning Commission this 19th day
of February, 1992.


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:


VICKI L. MYERS
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of December 11, 1991, (Certificate of Land Use Restriction # 91-BCBOA-027-A), for William Tingle, property owner.

The above mentioned Conditional Use Permit is subject to Site Plan approval.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 211 PAGE NO. 141 Group No. 2052