

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 FR. LOUIS HOLTZ
Phone Number 609-4780
Applicant's Address IMMACULATE HEART OF MARY 3954 LAMAR RD
HEBRON KENTON 41042
City State Zip
 4. Description of Request: BECAUSE OF THE TOPOGRAPHIC CONDITIONS OF THE SITE, COMPOUNDED BY THE NARROW EAST-WEST DIMENSION OF THE SITE, A VARIANCE FROM 50' SIDE YARD SET BACK TO A 20' SIDE YARD SETBACK IS REQUESTED. (SEE LAST PROPERTY LINE ON PLAN)
 5. Name of Development IMMACULATE HEART OF MARY CHURCH & SCHOOL
 6. Location of Development OFF VETERANS WAY DEER CO. KENTON
 7. Acreage Under Review 14.47
 8. Lot Number and Name of Subdivision (if part of a subdivision)
 9. Owner of Property DIOCESE OF COLUMBIA
Phone Number 293-6210
 10. Address of Property Owner CATHOLIC CENTER P.O. 18548
FLORENCE KY 41018
City State Zip
 11. Proposed Use(s) On Site CHURCH/SCHOOL
 12. Total Square Footage of Existing and/or Proposed Buildings
CHURCH/SCHOOL 56,393 SQFT RECTORY 2500 SQFT
 13. Current Zoning on Property PF
 14. Deed Book 477 Page No. 38 Group No. _____
 15. Is the site subject to a zone change? YES
If yes, give date of approval MARCH 10, 1992
 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: Fr. Louis Holtz
 19. Property Owner's Signature: Fr. Louis Holtz

SECTION B

(To be completed by Boone County Planning Commission Staff)

- 1. Date Received 4-23-92
- 2. Fee Received \$375.00 # 7287
- 3. Is application complete? Yes No
- 4. Staff Reviewer Jim Moore
- 5. Scheduled Board Action Date 5/13/92
- 6. Board Action:
 - Approval
 - Approved with Conditions (See #7)
 - Disapproved (See #8)
- 7. Conditions: none
- 8. Reasons for Disapproval:

STAFF REPORT

#4

DEVELOPMENT: Immaculate Heart of Mary
APPLICANT: Diocese of Covington
LOCATION: north side of Burlington Pike (KY 18), immediately east of Veterans Way, Boone County, Kentucky
ZONING: Public Facilities (PF)
DATE: May 13, 1992

REMARKS:

The applicant is requesting a Variance in the minimum rear yard setback requirement from fifty (50) feet to twenty (20) feet. The 14.47 acre site is located on the north side of Burlington Pike (KY 18), immediately east of Veterans Way, Boone County, Kentucky. The property is zoned Public Facilities (PF) and is owned by the Diocese of Covington.

On January 15, 1992, the Boone County Planning Commission recommended approval to the Boone County Fiscal Court of a Zoning Map Amendment for this site. The approval was to rezone from Suburban Residential Two (SR-2) to Public Facilities (PF). A Site Plan was also approved for the proposed development by the Planning Commission on March 10, 1992.

Table 31.1, Dimensional Standards, of the 1991 Boone County Zoning Regulations indicates that the minimum rear yard setback (when located adjacent to a residential zoning district) is fifty (50) feet.

The following reviews the four criteria the Board must use to judge each Variance request:

1. If the Variance is granted, it would not adversely affect the public health, safety or welfare.
2. The Variance will not alter the essential character of the general vicinity.

Although the current zoning of the property immediately to the east is SR-2, the Boone County Comprehensive Plan Future Land Use Map indicates that the site is to be PF.

3. The Variance will not cause a hazard or a nuisance to the public.
4. The Variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The Board shall also consider in making these findings whether:

- a. The requested Variance does not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.

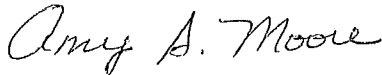
The applicant has requested the proposed Variance due in part to the narrow width of the site.

- b. The Board should decide if the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
- c. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

The Board shall deny any request for a Variance arising from circumstances that are the result of willful violations of the zoning regulations by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

Attached to the Staff Report is a illustration of the proposed building indicating the location of the requested Variance.

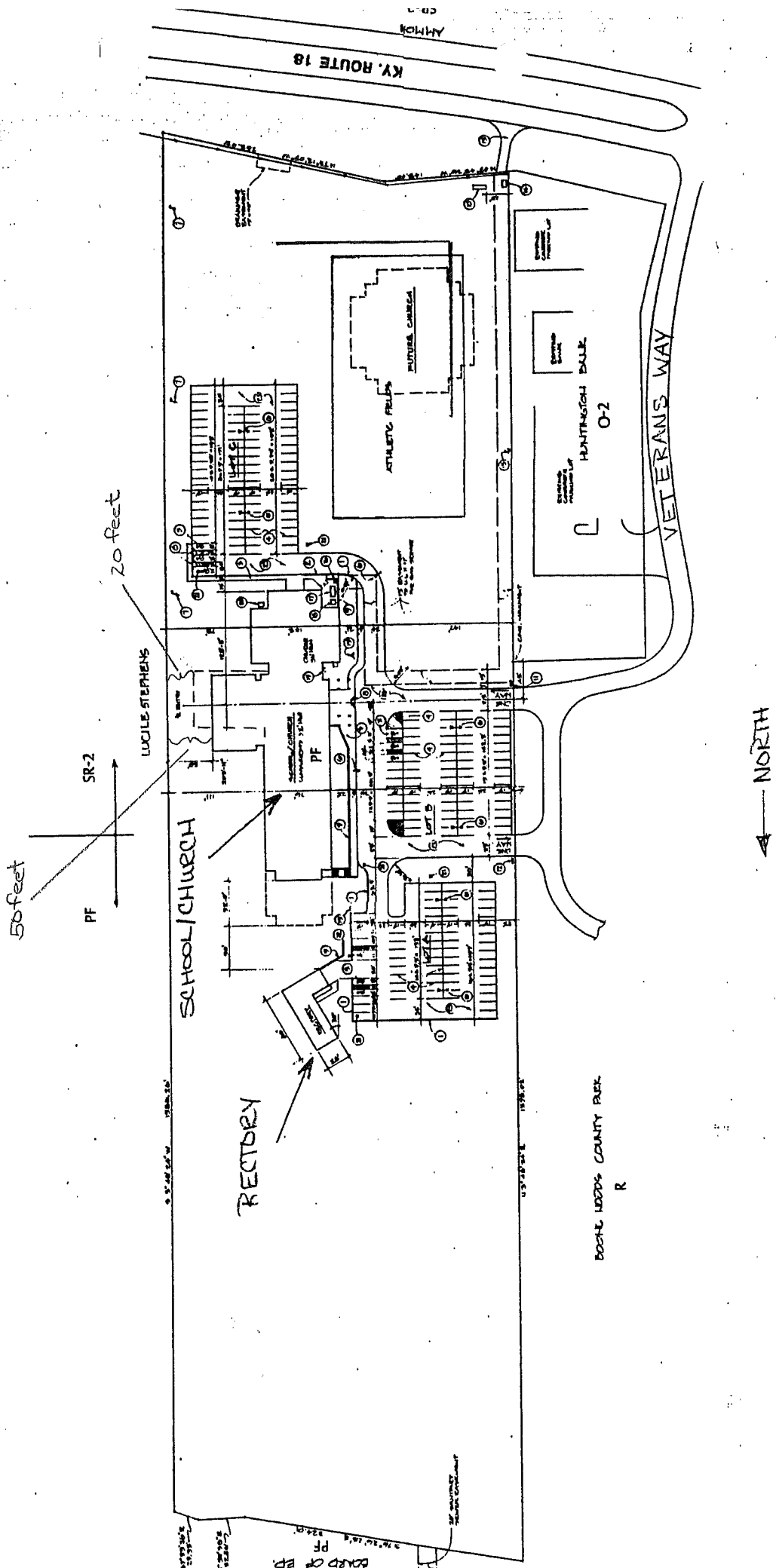
Respectfully submitted,



Amy S. Moore
Planner I

ASM:kat

Immaculate Heart of Mary - Variance
May 13, 1992



COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Diocese of Covington
P.O. Box 18548
Erlanger, KY 41018

2. ADDRESS OF PROPERTY

Veterans Way
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Immaculate Heart of Mary Church

DEED BOOK: 477

PAGE NO.: 38

GROUP NO.: 2025

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

<input type="checkbox"/>	Zoning Map Amendment from _____ to _____	<input 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 checked="" 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)

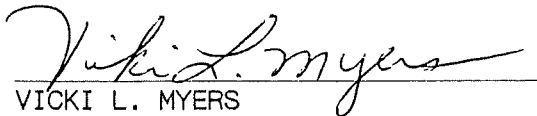
COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Amy S. Moore

on behalf of the Boone County Planning Commission this 24th day

of June, 1992.

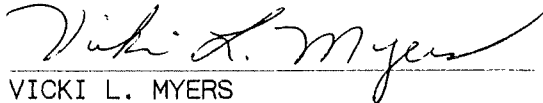


VICKI L. MYERS
NOTARY PUBLIC, State at Large

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

CLUR# 92-BCBOA-009-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance
as approved by the Boone County Board of Adjustments and in accordance with the
current zoning in effect as of May 13, 1992, (Certificate of Land Use
Restriction # 92-BCBOA-009-A), for Diocese of Covington, property
owner.

NO CONDITIONS

The approved Variance as well as the preceding conditions apply
to the property described in: DEED BOOK 477 PAGE NO. 38 Group No. 2025