

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning
Commission Staff)

1. Date Received Aug 17, 1993 Fee Received 361.00 R# 2048
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date Sept 2, 1993
5. Board Action:
 ~~Approved~~
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

DEVELOPMENT: Burlington Antiques
APPLICANT: Betty Sallee
LOCATION: 5952 North Jefferson Street
ZONING: Suburban Residential Two/Small Community (SR-2/SC)
DATE: September 8, 1993

The applicant is requesting a Conditional Use Permit to allow an antique store to be operated out of the First Church of God building. The site is located at the Southeast corner of Jefferson Street and East Gallatin Street (see sheet #1). The property is owned by the Florence First Church of Christ.

Article 20, Section 2012, Item 2 permits retail uses with a Conditional Use Permit within a Small Community Overlay District.

The existing building, which the applicant is currently using in violation, was previously used as a church for the First Church of God. The site is approximately .25 of an acre and contains two buildings with parking for approximately 16 spaces behind the building. The surrounding land uses contain a mix with commercial to the south and west and residential and public facilities to the north and east (see sheet #2).

The 1990 Boone County Comprehensive Plan does not address this area specifically except to say that Burlington proper should continue to experience growth related pressures. Also, historically important structures should be protected from development pressures, or be subject to appropriate adaptive re-use to retain the character of central Burlington. The future land use map shows this area as medium density residential.

The Board must also consider specific criteria which apply to Conditional Uses in a Small Community Overlay zone:

- a) The activity is of integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
- b) The arrangement of use, building or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district;

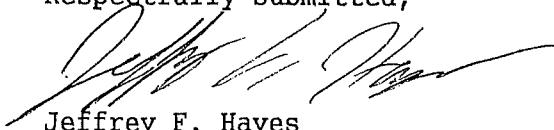
Staff Concerns

1. All signage will require separate permit approval.

Conclusion

Staff feels that the proposed use will be compatible with the small community character of Burlington and is an appropriate adaptive re-use of an old church that will help to retain the character of central Burlington.

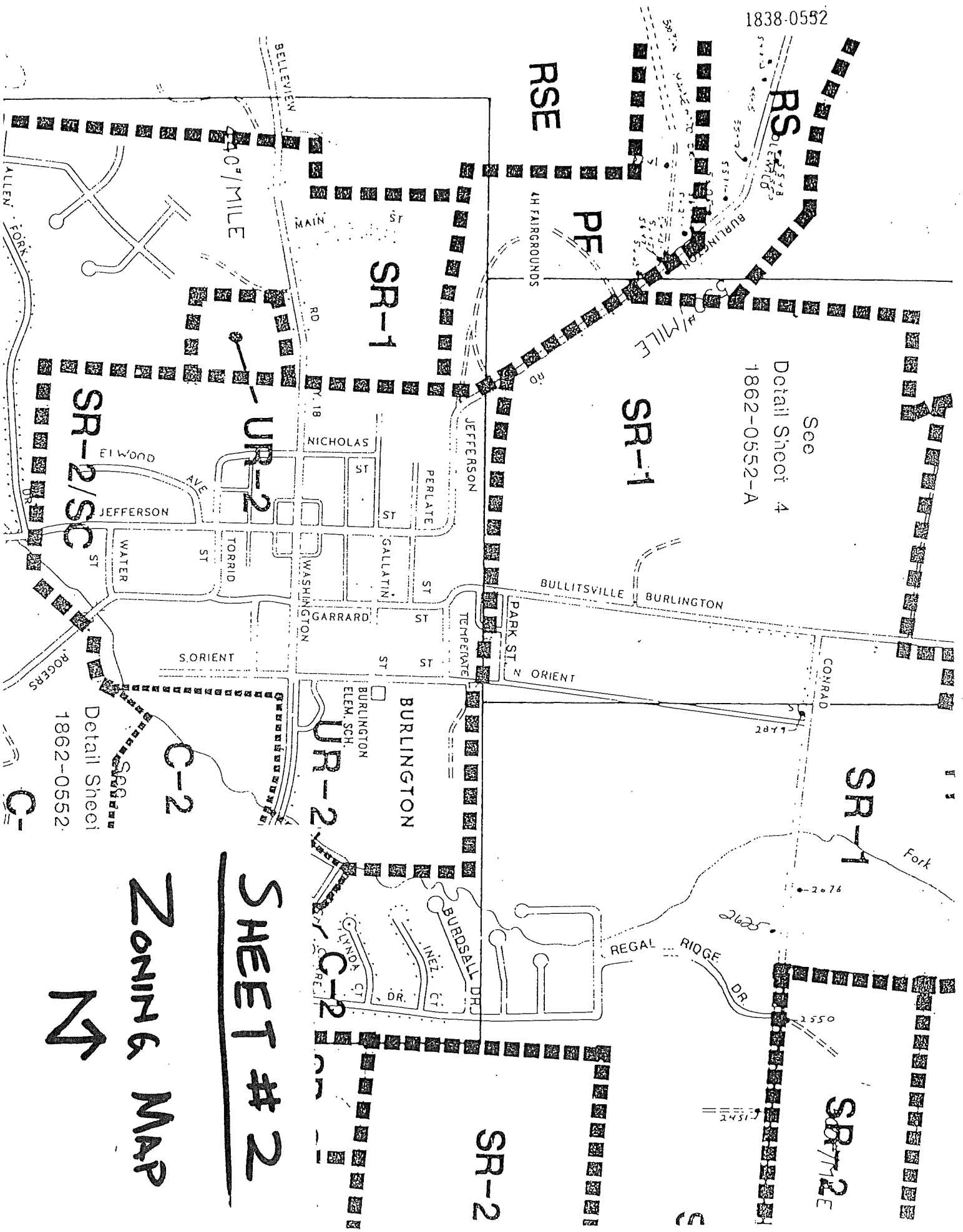
Respectfully Submitted,



Jeffrey F. Hayes
Planner I

JFH\par

1838-0552



See
 Detail Sheet 4
 1862-0552-A

Detail Sheet
 1862-0552

SHEET # 2

ZONING MAP

↑

SR-2

SR-2

SR-1

SR-1

SR-1

UR-2

UR-2

C-2

SR-2/SC

C-

RSE

PE

BS

ALLEN FORK

40' MILE

4H FAIRGROUNDS

40' MILE

ELWOOD AVE

JEFFERSON

WATER ST

TORRID ST

NICHOLAS ST

PERLATE ST

GALLATIN ST

TEMPERATE ST

BULLITSVILLE BURLINGTON

PARK ST

N ORIENT

CONRAD

S ORIENT

WASHINGTON

GARRARD ST

TEMPERATE ST

BURLINGTON ELEM. SCH.

BURLINGTON

UR-2

Fork

2076

2625

3550

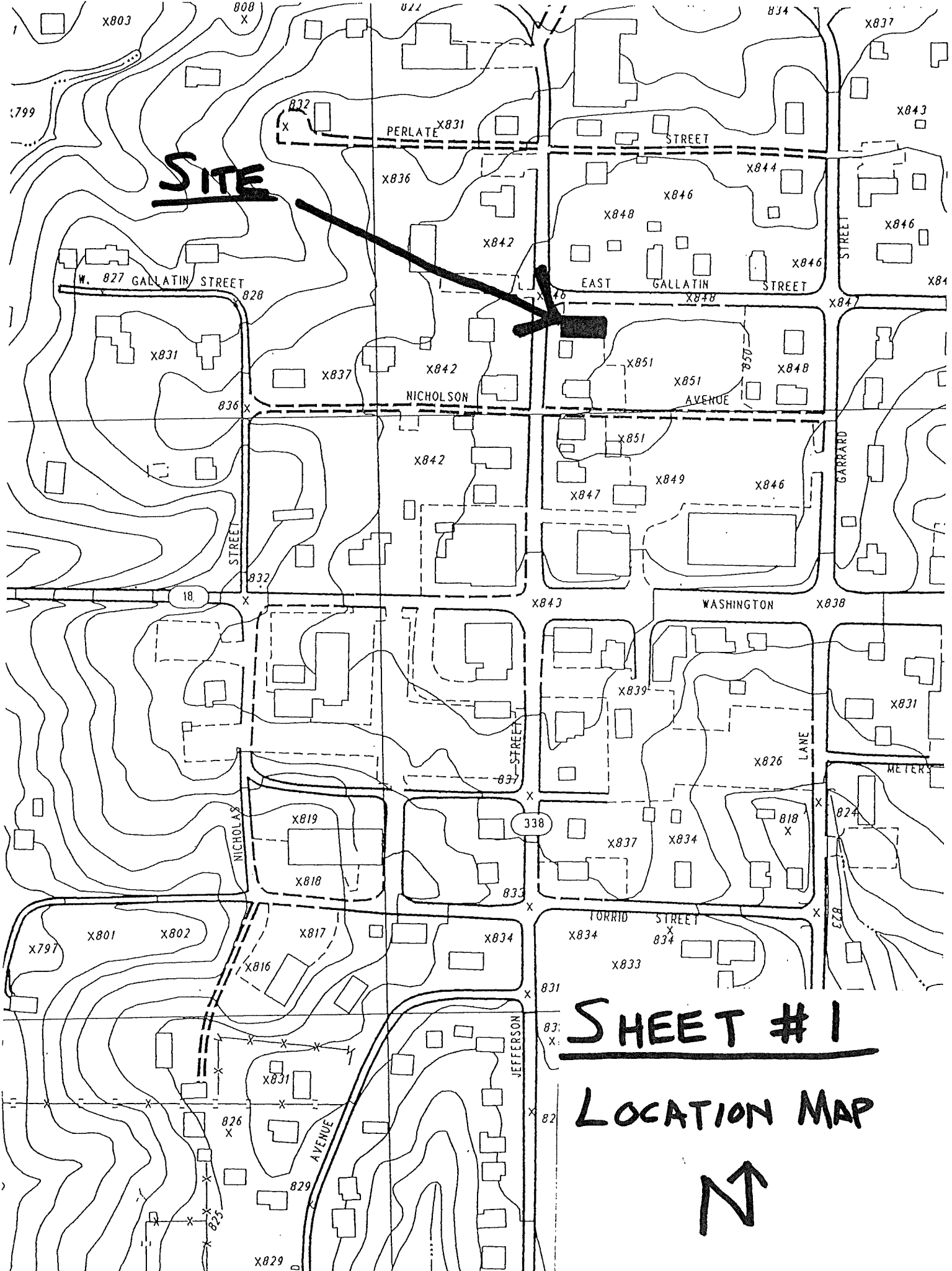
REGAL RIOQUE DR

LYNDA CT

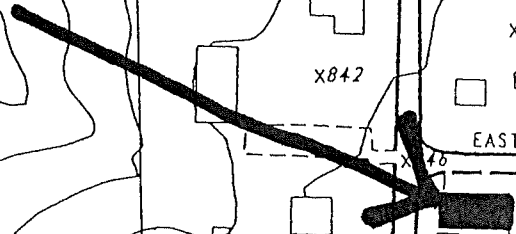
INEZ CT

BURDELL DR

C



SITE



SHEET # 1

LOCATION MAP



BOONE COUNTY BOARD OF ADJUSTMENT
BUSINESS MEETING

August 11, 1993 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mrs. Shirley Millar

BOARD MEMBERS NOT PRESENT:

Mr. Walt Ryan
Mr. George Whitton, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Archambault, Vice Chairman, called the meeting to order at 6:30 P.M..

Approval of the Minutes:

Mr. Archambault stated that the Board members had received copies of the Minutes of the Boone County Board of Adjustment Meeting of July 14, 1993. He asked if there were any comments or corrections.

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

Agenda Items:

1. The request of William E. Glass for a Change in a Non-Conforming Use to allow the sale of automobiles on a 1+ acre tract at 10693 Dixie Highway, Boone County, Kentucky. The property is zoned Suburban Residential One (SR-1) and is owned by the applicant, William E. Glass. This request was tabled from the July 14, 1993 meeting.

Staff Member Dean Niemeyer stated that at last month's meeting it was left that the applicant would get an engineer's or surveyor's drawing of the existing site. Mr. Glass has made an attempt to do this, but was not able to get the drawings completed in time for this meeting.

Mr. Glass stated that Mr. Cahill advised him that he did not get the drawings finished and they would not be ready until tomorrow afternoon.

Counselor Wilson advised that the request would not have to be readvertised and there would not be any increase in cost to the applicant. He stated that it is important for the Board to have a plat drawing on which make a decision.

Mr. Houston moved that the request be deferred to the September 8, 1993 meeting of the Board of Adjustment. Mrs. Millar seconded the motion and it carried unanimously.

2. The request of Maria Boland and Lisa Schneider for a Conditional Use Permit to allow a day care center in an existing house at 7109 Hopeful Road, Boone County, Kentucky. The property is owned by Joseph and Kathie Schamer. The property is zoned Suburban Residential One/Planned Development (SR-1/PD).

Staff Member Dean Niemeyer advised that there was a misunderstanding as to whether this request should be before the Florence Board of Adjustment or the Boone County Board of Adjustment. The property is in the county and zoned SR-1. Mr. Niemeyer presented the Staff Report which included a slide presentation (see Staff Report).

Mrs. Millar questioned what it would to the setback requirements in regard to the parking lot when the state approves the highway. Mr. Niemeyer advised that he would have to check on this question. Counselor Wilson stated that the question is "will relocation of Hopeful Road take some land from this site, reducing its area for parking spaces?".

Lisa Schneider showed the Board a set of plans for the proposed Hopeful Road. She stated that she talked to Interstate Asphalt and they designed a parking lot for them that has nothing to do with the circular drive that is there now. The parking lot is on the extra lot on the opposite side of the detached garage. They plan 8 to 10 parking spaces. She reviewed the plans with the Board and indicated the location of the house in relation to the new roadway and the existing roadway. She indicated the extra lot and the area that will be blacktopped. She stated that she has a letter from the Highway Department indicating that the sight distance will be increased as they will be taking out the dip.

Maria Boland advised that the highway construction will not start until next year, but they want to start the day care center immediately.

Mr. Archambault questioned how they know the highway construction will start next year. Ms. Schneider asked the former owner of the property, Joe Schamer, to address this question.

Mr. Schamer stated that they would not guarantee when the construction would start, but he understands that it will be in 1994. Ms. Schneider stated that Jim Key of the Highway Department told them the road construction would start no later than August, 1994.

Mr. Archambault commented that they want to operate the day care center for a year before the road construction starts.

Ms. Boland stated that they feel they are going to draw from Hopeful Road already and to say that their customers will not live or go on Hopeful Road is not correct. Their customers are not going to be coming from new roads onto Hopeful Road. It is not fair to say that they are all going to be additional cars.

Ms. Schneider reviewed the drawings with the audience. She stated that if they are approved, they have to have city sewage and they will definitely tap in. She has a bid from James Stall. He knows the depth and checked with the city and he has it all in writing about changing over to the city sewage.

Ms. Boland stated that they will operate Monday thru Friday from 6:30 A.M. to 6 P.M.. They will not be open on the weekends or in the evening. It is structured day care -- not babysitting with the kids outside all day. There is a structured time in the morning, there will be a nap time, and free play in the afternoon outside. They have two other day care centers -- one in Villa Hills since 1984 with 148 children, and one in Fort Mitchell since 1986 with 101 children. They are at full capacity with a waiting list. She emphasized that they are experienced.

Mr. Schamer stated that he is the present owner of the house. Currently there are four churches, which are Conditional Uses, within one mile of his driveway. He has owned the house for ten years and there has been a zone change for the Colonial Heights Apartments and the Windridge Apartments. There is another day care center at the other end of Hopeful Road. All of these have traffic in and out well in excess of what the day care center would have. Hundreds of cars enter and exit all day long at Stonegate Meadows, which is the subdivision abutting his property. The reconstruction of the road will increase the sight distance. There will be a center turn lane, which will also alleviate traffic problems; and the speed limit will be reduced, according to the Highway Department. When he bought the house it was zoned Agricultural and there was farm land behind him. There are hundreds of houses back there now as a result of the zone change. The Jehovah's Witness Church is the result of a zone change since he has been there. There has never been an accident on his road frontage to his knowledge. The neighbors to the north have approached him about the rezoning of all of their lands to commercial. He stated that the state did a dye test and there are no signs of dye in any of the neighbor's yards. He stated that he has a letter from the Health Department in regard to the dye test.

Dennis Walter stated that his house will be directly behind the parking lot. He advised that he had brought up the septic tank issue and the fact that the house was in Boone County, not Florence. He stated that the Health Department told him the dye test may not surface for six months and

Water and Sewer told him to put in all the drainage pipes he wants to force the water in his yard out. He has been fighting water problems for six years. He had a test done and the fecal content of his yard is too numerous to count. The fluoride is .88. The result: Treated water/sewage contamination. If it is not Mr. Schamer's septic tank, it is something else. He questioned that if the count in his yard is that high, how high is the Schamer property. He stated that a pool company refused to put in an above ground pool because there was sewage in the ground. Another pool company put a pool in, but they also said there was sewage in the yard. He stated that the sewage has to be coming from behind his property. His youngest kid is 21 and he would not buy a house with a day care center in the back yard for property value purposes. He would prefer that a family move in. He does not want 30 kids in his back yard. They raised their own kids and want to relax in the back yard. He stated that he has been hearing for seven years that Hopeful Road is going to be done. He questioned the Hopeful Road improvements occurring.

Gary and Brenda Conyers stated that they are the adjoining neighbors on Hopeful Road to the north. He has a problem with the parking lot being next door. He is also not happy with having the children next door. Mrs. Conyers stated that originally there were to be 30 - 35 children and now they are saying 50; and a half-day school program, not a day care center.

Ms. Boland stated that they are hoping for 30 children and, if it works out, there would be 50 children maximum. There would be an after-school program for children going to other schools.

Mrs. Conyers stated that the traffic problem is horrendous.

Counselor Wilson explained that a day care center is a Conditional Use in the SR-1 Zone and requires special approval. It is not allowed automatically. The Board is here to determine if that particular location is suitable for the use.

Mrs. Conyers asked if it is a law that you have to have a fence for a day care center. Ms. Boland stated that the play area has to be fenced. She stated that they would like to work this out with the neighbors. They could put in a privacy fence.

Mrs. Conyers stated that they are concerned about property values.

Mr. Conyers stated that the traffic is a real drawback to the project. The road is dangerous. He stated that the are sandwiched between Pleasant Run and Stonegate. The Jehovah's Witnesses across the street are in and out all day long. There is a lot of traffic concentrated in the area.

Bonnie Carzolli stated that they are adjoining property owners to the rear about three doors to the south. Mr. Carzolli questioned how high the fence would be. Ms. Boland stated that she believes 4 feet is the low, but they have no problem with making the fence 5 feet or 6 feet.

Mr. Carzolli stated that their deck faces the garage and the fence. He gets home about 4:30 and goes out their to relax.

Ms. Boland stated that most parents start getting home after 2 P.M. and the kids have to be picked up by 6 P.M.. Some children have already gone home and some are inside. If it is too hot or too cold, the children are not out there.

Mr. Carzolli stated that he is opposed to the request because of the resale of his home. He stated that he would not buy a home that had a day care center behind it.

Mr. Walter questioned how they are going to direct the water from the parking lot so that there will not be more water in his yard. Mr. Houston stated that that depends on the contractor, and they have to drain it off properly.

Mr. Walter asked if there would be a privacy fence all across the back, including the parking area. Ms. Boland replied "yes, if need be".

Mr. Archambault questioned the sewage situation. Mr. Niemeyer stated that it is his understanding that they are trying to identify the problem using the dye test, but it has not been identified yet. Mr. Archambault stated that the sewage could be from some other place in the area.

Mr. Niemeyer completed the Staff Report in regard to Staff's concerns. He stated that if the request is approved, the number of children should be set. If they need to increase the number, they would have to come back.

Mr. Houston stated that they have to reapply for a license for 50 children. Ms. Boland stated that they have to get the Conditional Use Permit first, then they have to make sure they can annex into the city. She stated that she checked on the annexation and it should be fine. Then Mr. Doll puts in the city sewage. The the State Fire Marshall and the Health Department check the building, and indicate what needs to be changed. They they can apply for the license for 30 children. Mr. Houston stated that they would then have to reapply for 50 children. Ms. Boland agreed. Mr. Niemeyer stated that if they change to 50 children, they should have to come back before the Board and reapply.

There being no further discussion, Mr. Houston moved that the Conditional Use Permit be granted for 30 (thirty) children. If they want to increase the number they have to come back and apply for another Conditional Use Permit. He stated that it seems they will solve the sewer problem by going into the sanitary sewers. Water draining off the parking lot would be in the design of the lot and would be taken care of by the contractor. Mr. Archambault seconded the motion.

Mr. Archambault asked for a vote on the motion which found Mr. Houston and Mr. Archambault in favor. Mrs. Millar was opposed. The motion carried by a vote of 2 to 1.

The applicants did not have copies of the plans which were discussed and they agreed to provide copies to the Staff.

3. The request of David E. Estes Engineering for a Variance to build into the 25-foot buffer area on Lot #10, Southpark, Boone County, Kentucky. The property is zoned Industrial One (I-1).

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Hayes read a letter received from Francis Mason, an adjoining property owner, who was unable to attend this meeting. Francis Mason indicated that he received little notice of the meeting and it should have been made more convenient for him to attend. The letter indicates that any engineer of worth could design within the existing boundaries. The letter is included as part of the record.

Mrs. Millar questioned the Variance requested. Mr. Hayes advised that at the closest point, it will be five feet. They are requesting a Variance of 20 feet. He noted that the applicant has a drawing to show exactly where the Variance is being requested.

Mrs. Millar questioned the ownership of the property that drops down to Elijah's Creek. Mr. Hayes did not know.

Mr. John Fonner with Duke Associates, the developers of the property, stated that it is a 215,000 sq. ft. warehouse/distribution center for a national company that wants to locate in the area. Using a large drawing, he indicated the proposed building and the property lines. He indicated where they request the Variance. He stated that the site has been designed so that there is a 5-foot separation from the edge of the parking to the property line. The building is about 25 feet back from the adjoining property line. In regard to the letter from Mr. Mason, he stated that they have spoken with the gentleman who has a land contract to purchase the property from Mr. Mason and he has indicated a willingness to grant Duke Associates a grading easement onto his property. The grading easement is not necessary and they could construct a retaining wall, but the gentleman is willing to let them grade onto the site to eliminate the retaining wall. They were unaware of Mr. Mason's letter. They thought it more important to deal with the eventual property owner rather than the current owner. He believes Mr. Mason's notice was in accord with the county's notice requirements.

Mr. Fonner stated that the elevations of the building are such that even with the Variances, the building will not be visible to the adjacent property owners because the property to the northeast is slightly higher in elevation and there is only a small ridge of land before it falls off steeply into the Elijah's Creek canyon. It is an undevelopable piece of property. Because of the trees in the area, the building will not be visible to adjoining property owners on the other side of Elijah's Creek. He requested approval of the request.

Mrs. Millar noted that the request says "the adjoining property zoned Agricultural" and "there is a separation of 600 to 800 feet between the two zones". Mr. Fonner stated that it is the agricultural property on the other side of Elijah's Creek. Mr. Hayes stated that there is an undevelopable area because of the steep slopes. The hilltop is

undevelopable. There is developable area on the east, but the area between them cannot be developed because of the steep slopes. He stated that there is natural buffer there.

Mrs. Millar questioned the Hillside Trust property in relation to this site. She questioned restrictions put on this entire piece of property when it was rezoned. Mr. Fonner stated that the property is not adjacent to any of the Hillside Trust properties. The properties on the other side of International Way abut the properties of the Hillside Trust. He stated that he spoke with Robin Carrothers today about the project, and he believes Mr. Costello also spoke to her. He stated that Ms. Carrothers did not indicate any concerns.

Mrs. Millar questioned, if this would be approved, who would look at the elevation and make sure there is no problem with drainage. Mr. Hayes advised that this would be addressed at Site Plan Review. Mr. Niemeyer advised that they will have to do a geotechnical test on the site and, based on those findings, the Zoning Administrator will make a decision as to whether they can go forward or not.

Mr. Fonner advised that they will be before the Planning Commission next Wednesday for Site Plan approval. He stated that they had begun the soil testing on the site before the Staff raised the issues. They are in close coordination with the Staff.

Mr. Hayes stated that the Variance being requested is for the area that would be graded. They want to use that area for parking rather than leaving it as natural buffer space.

Mr. Archambault asked if there was anyone present in opposition to the request.

Mrs. Thelma Castellini stated that we were years getting buffer regulations in the county. Five feet is too close to a property that carries a different zone.

Mr. Archambault asked if anyone else wished to speak. There was no response.

Mr. Millar asked if additional buffering, other than the natural buffer that is there, could be required. Counselor Wilson advised that reasonable conditions can be imposed.

Mrs. Millar moved that the request be approved based on the additional buffering and that they receive approvals from the Planning Commission on the grading and Site Plan Review. She questioned what the Staff would recommend as additional buffer.

Mr. Hayes stated that the Staff believes there is sufficient natural vegetation for buffer and any additional vegetation would have difficulty growing in that area at the narrowest end of five feet. He stated that evergreens may create year-round screening. Mrs. Millar questioned if the buffer that is there is on their property or on the adjacent property. Mr. Fonner advised that a portion of it is on their property.

Mrs. Millar questioned if they can be required to maintain the buffering on their property. Counselor Wilson stated that only if the areas in question are earmarked and could be referenced, and areas of existing buffer which must remain and be supplemented are identified.

Mr. Fonner indicated the vegetation that would be maintained to the rear on the west side. He indicated buffer areas to the northeast. He stated that they are agreeable to maintaining the buffer on their property and there would be no reason for them to go beyond the tree line shown. The only disturbance that would be possible on the rear property is a timbering operation because it is inaccessible and the slopes prevent it from being developed.

Counselor Wilson questioned what a condition would do to their development if they were required to maintain all natural vegetation within the five-foot area that is remaining. Mr. Fonner stated that they have no concerns about "natural vegetation after development". He stated that they have received permission for grading easements from the adjacent property owner. Counselor Wilson asked if there will be any natural vegetation remaining after development. Mr. Fonner stated that it will be as shown in the shaded area on the drawing.

Counselor Wilson stated that if natural vegetation is going to be taken out of the five-foot area during construction, the Board may want to talk about adding vegetation. He stated that he does not know what buffer they can get within the five-foot area.

Mr. Niemeyer stated that the grading will be more than five feet. He stated that the Board may want to propose that they replace the vegetation to twenty-five feet.

Mr. Fonner stated that they can spend money on trees at the rear, but they will not be visible to anyone. The developable land is 600 feet to 700 feet away on the other side of Elijah's Creek. Any vegetation that would be put in would screen the natural vegetation from the occupants of the building.

Mrs. Millar withdrew her motion.

Mr. Houston moved that the Variance be granted on the basis that there is 600 feet of vegetation and buffer to the rear and he sees no need for any other buffer back there. The vegetation will grow back up in the construction easement. Mr. Archambault seconded the motion.

Mr. Archambault asked for a vote on the motion which found Mr. Houston and Mr. Archambault in favor. Mrs. Millar was opposed. The motion carried by a vote of 2 to 1.

4. The request of Mary Queen of Heaven Parish for a Variance to permit the installation of a 50 square foot free-standing sign. The property is located at 1150 Donaldson Highway, Boone County, Kentucky, and owned by The Diocese of Covington. The property is zoned Public Facilities (PF).

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report). He stated that the applicant purchased the sign without reviewing the regulations.

Mr. Jeff Westhoff, representing Mary Queen of Heaven School, stated that they did not think about the size requirements. They have purchased the sign.

Mrs. Millar moved that the request be approved. Mr. Houston seconded the motion and it carried unanimously.

Mr. Archambault read a letter from Mr. Westhoff requesting that the \$500 fee for the Variance be waived. The letter indicates that there should be a fee policy for schools and churches. The fee was not in the applicant's budget.

Mr. Archambault advised that the Board also has expenses.

Mrs. Millar moved that the fees not be waived as there are expenses incurred by the Planning Commission. Mr. Houston seconded the motion and it carried unanimously.

5. The request of Robert L. Adams, Jr. for a Variance for the front yard setback. The property is located in Mars Hill Subdivision, 280 Damascus Road, Boone County, Kentucky. The property is zoned Suburban Residential One (SR-1).

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Robert Adams, Jr. stated that there was an error on his part and on the part of the foundation company he hired. They caught the mistake too late. He stated that he went ahead and built the garage. If there is a problem, he can take the truss out and move it back; but it would be very expensive for him. He is the owner and built it himself. The foundation company set the backwall six feet forward and that pushed the whole house forward and made the garage stick out 18 inches.

Mrs. Millar questioned when the determination was made that it was 18" inside the setback.

Mr. Adams stated that it was after he had the frame of the house built. He had the garage framed, but he had not set it up yet. It was brought to his attention by the developer. He wanted to get the problem out of the way because he would not be able to sell the house in the future.

Counselor Wilson stated that it sounds like Mr. Adams came forward and said he make a mistake. It was not an enforcement issue. He asked that the record reflect that there was no one present in opposition to the request.

Mr. Adams stated that the adjoining property owners received letters about this and he explained it to them. They had no problem with it.

Mrs. Millar moved that the request for an 18-inch Variance be granted. Mr. Houston seconded the motion and it carried unanimously.

6. The request of Five Star Gymnastics, Inc. for a Conditional Use Permit to allow a gymnastics training center on Lot #10, Mineola Industrial Park. The property is currently owned by Hemmer/87 Ltd. and zoned Industrial One (I-1).

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Ralph Grieme with Commercial Industrial Real Estate stated that he is working with the applicants to try to locate the facility in Boone County. It is a partnership of two families, Mary and Gary Collier and Jan and Larry Adams. The business is run primarily by the women. Larry Collier is a CPA and Larry Adams is in charge of the FBI office, so security should not be a problem.

He stated that the reason a gymnastic facility is a Permitted Use in some areas and a Conditional Use in others is that when people use the uneven parallel bars or a trampoline they can get up 18 feet in the air and need the height. Putting it in a residential area would be a problem. It is not a retail center with store fronts, so across the country and locally those uses have gravitated into industrial areas with no conflicts. He groups this use in with dance studios and other training facilities. In Boone County there are several of these in similar type areas and in Kenton County there are three more existing as Permitted Uses.

Mr. Grieme stated that it was mentioned that for an event they might have 150 spectators, which is incorrect. When an event is held, participants come and compete, but they do not sit around and wait for their event to come up. They go back to their hotel or their home and come back again. There could be 120 to 150 people in the building, including participants, but there is not a car for every person. It is their impression that under normal circumstances, including events, the parking will be adequate -- especially if they can park in the loading area behind the building where the employees can park bumper to bumper. If there is a need for additional parking for a major event -- drawing people from out of town -- they have made an arrangement with Holiday Inn on Mineola Pike to cosponsor and they would allow participants to park on their lot and shuttle over. Also, they can make arrangements with tenants and Hemmer for any additional parking that might be needed. A high volume of people come from out of the area.

Mr. Grieme stated that the metal door will be taken out and a glass entry will be put in. Their business is now in Anderson Township in Ohio and they would like to move to Boone County. They need to be open on September 1, 1993.

Mr. Archambault asked if there was anyone present in opposition. There was no response.

Mr. Hayes stated that Staff has a concern if the Conditional Use Permit is granted that it be just this use. If it is to be converted to a health club, which may have a higher traffic generation, they need to come back before the Board and get another permit.

Mr. Grieme stated that the only activity that will be here will be gymnastic related. He stated that cheerleaders are trained here. They will not have dance instruction or music. There will be a place to buy items the gymnasts use or wear. There will not be more than 32 students there at a time.

Mrs. Collier advised that they offer ballet as part of the training for competitive members to learn grace and poise.

Mr. Houston moved that the Conditional Use Permit be granted with the condition that it stay with gymnastic and related activities as described. Mrs. Millar seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mrs. Millar moved that the meeting be adjourned. Mr. Houston seconded the motion. The meeting was adjourned by unanimous consent.

APPROVED:

I. A. Archambault, Vice Chairman

Attest:

Jan Hancock, Recording Secretary

COPY

NO. 93-BCBOA-018-A

CERTIFICATE OF LAND USE RESTRICTION


- | | | | |
|----|---|----|---|
| 1. | NAME AND ADDRESS OF PROPERTY OWNER (S)
<u>Florence First Church of Christ</u>
<u>6767 Hopeful Road</u>
<u>Florence, Kentucky 41042</u> | 3. | NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
<u>Burlington Antique Store</u> |
| 2. | ADDRESS OF PROPERTY
<u>5952 North Jefferson Street</u>
<u>Burlington, Kentucky 41005</u> | | |

DEED BOOK: 489 PAGE NO.: 297 GROUP NO.: 2018

4. TYPE OF RESTRICTION (S) (Check all that apply)
- | | | |
|-------------------------------------|---------------|------------------------------|
| _____ Zoning Map Amendment | _____ X _____ | Conditional Use Permit |
| _____ from ___ to _____ | | |
| _____ Development Plan | _____ | Conditional Zoning Condition |
| _____ Subdivision Plat (unrecorded) | _____ | Other: (Specify) |
| _____ 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



 SIGNATURE OF COMPLETING OFFICIAL

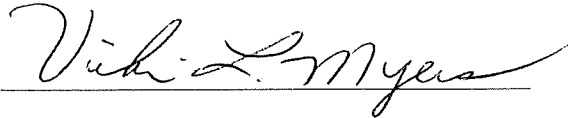
Jeffrey F. Hayes, Planner 1

 NAME AND TITLE OF COMPLETING OFFICIAL
 (type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey F. Hayes on behalf
of the Boone County Planning Commission this 3rd day
of January, 1994.

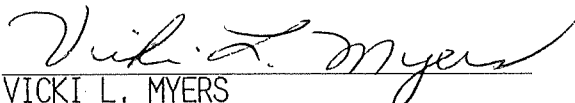


NOTARY PUBLIC, State at Large

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.)

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 September 8, 1993, (Certificate of Land Use Restriction # 93-BCBOA-018-A), for Florence First Church of Christ, property owner.

The following conditions apply: The Conditional Use Permit be granted with the condition that they will have to get a separate permit for the signage.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 489 PAGE NO. 297 Group No. 2018