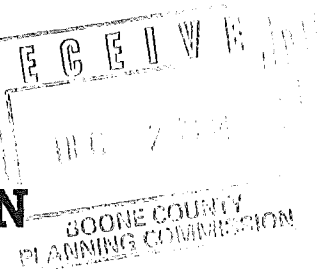


APPLICATION FORM
**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION**



(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 RICHWOOD BAPTIST CHURCH
Phone Number 606 824 4183 Fax No. _____
Applicant's Address 11549 US 25
WALTON KY 41094
City State Zip
- 4. Description of Request: NEED A CONDITIONAL USE PERMIT TO OPERATE A CHURCH AT 11549 US 25, WALTON, KY
- 5. Name of Development RICHWOOD BAPTIST CHURCH
- 6. Location of Development 11549 US 25, WALTON, KY
- 7. Acreage Under Review 2 ACRES
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
19d20
- 9. Owner of Property CHUCK MASON
- 10. Phone Number of Owner 455 7703
Address of Property Owner 527 MATHER RD
WALTON, KY 41094
City State Zip
- 11. Proposed Use(s) on Site SCHOOL
CHURCH - WORSHIP - SUNDAY
- 12. Total Square Footage of Existing and/or Proposed Buildings
700 sq. Ft.
- 13. Current Zoning on Property _____
- 14. Deed Book 79 Page No. 635 Group No. _____
- 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. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.
Applicant's Signature: Wayne Whaley pastor Richwood Baptist
Property Owner's Signature: Charles G. Mason Jr

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 12-2-94 Fee Received \$ 621.⁰⁰/₁₀₀
2. Is application complete? yes Yes _____ No _____
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 1-11-95
5. Board Action:
_____ **Approved**
 Approved with Conditions (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: _____

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: Richwood Baptist Church
APPLICANT: Pastor Wayne Whaley
LOCATION: 11549 US. 25, Boone County
ZONING: Commercial One (C-1)
DATE: January 11, 1995

The applicant is requesting a Conditional Use Permit to allow the use of a 700 square foot space within the existing Mason Trucking building. The site is located on the east side of US. 25 between Richwood and Walton (See Sheet #1). This site recently went before the Board of Adjustment for a Change in Non-Conforming Use which was granted to allow Mason-Dixon Trucking. At the time of this request it was discovered that this church was located within the building illegally and therefore, would need a Conditional Use Permit to continue to operate.

The proposed use is permitted with a conditional use by the Boone County Zoning Regulations in Article 10, Section 1013, Item 2: Churches, synagogues, temples and other places of religious assembly for worship. In determining the appropriateness of the use the Board must also consider:

- a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service;
- b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center;
- c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning (see sheet # 2)

North: Single-family residence zoned Agricultural Estate (A-2)
South: Single-family home and Sizemore Manufacturing Company zoned Agricultural Estate (A-2)
East: Railroad tracks and undeveloped land zoned Industrial One (I-1)
West: Single-family residences zoned Agricultural Estate (A-2)

Staff Concerns:

1. Staff believes that the small scale of the proposed church will not present a problem to the surrounding residential properties. However, if the church were to expand on this site it could then create a detrimental impact on the surrounding residential properties. Therefore, staff believes that a limit should be established for the maximum number of members permitted within the proposed church.

2. Limits should be established on the hours of operation and the number of services permitted.
3. Because no site improvements will be necessary for the proposed use and Site Plan Review will not be needed, Staff would recommend that the applicant provide a sketch which indicates where the church members will park during church services.
4. Staff would recommend that church services be confined to the inside of the building or the rear of the building away from public view.
5. If the Conditional Use is approved the applicant would be permitted to advertise on the existing free-standing sign and upon the building. However, any proposed signage would require a sign permit from the Boone County Planning Commission.

Conclusion

The applicant's site is zoned Commercial One (C-1) and is the home of two trucking companies. Therefore, staff believes that the proposed church will have little impact on the intended character of the general vicinity because of these uses and shall not change the essential character of the area. The applicant's proposal shall be determined by following the seven criteria the Board must use to judge each conditional use request as well as the four criteria for a Commercial One zone.

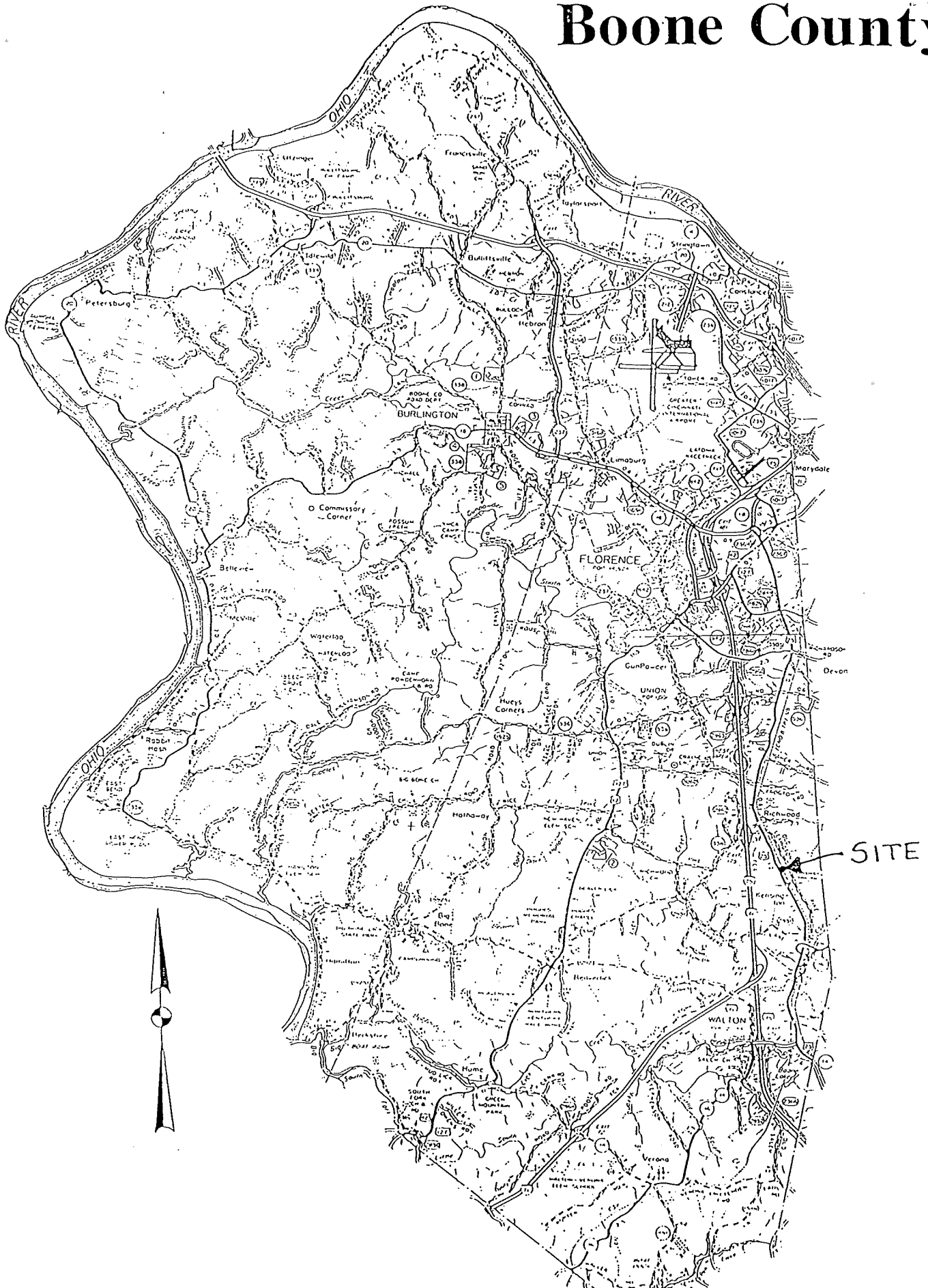
Respectfully Submitted,



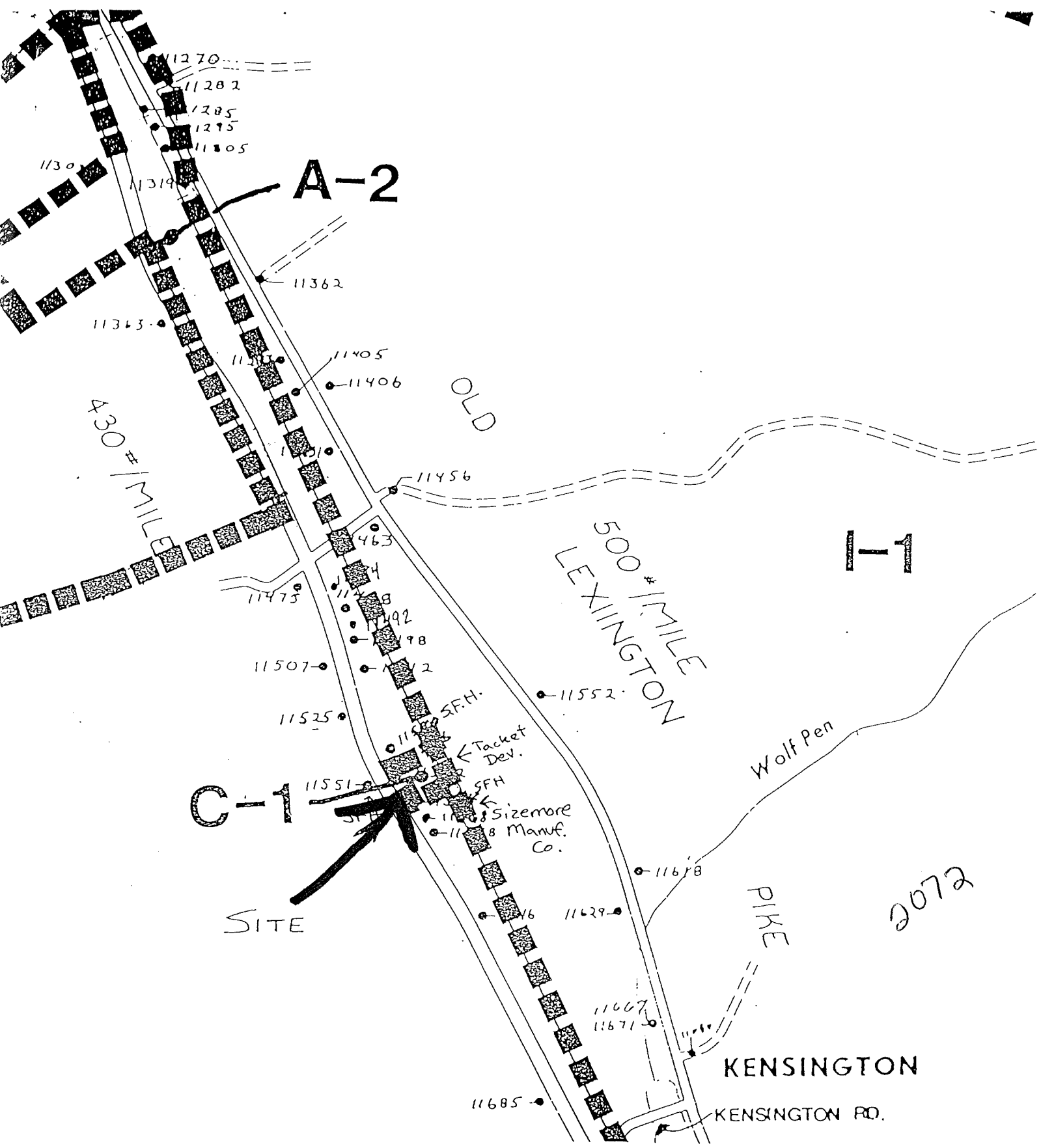
Jeffrey F. Hayes
Planner

JFH\par

Boone County

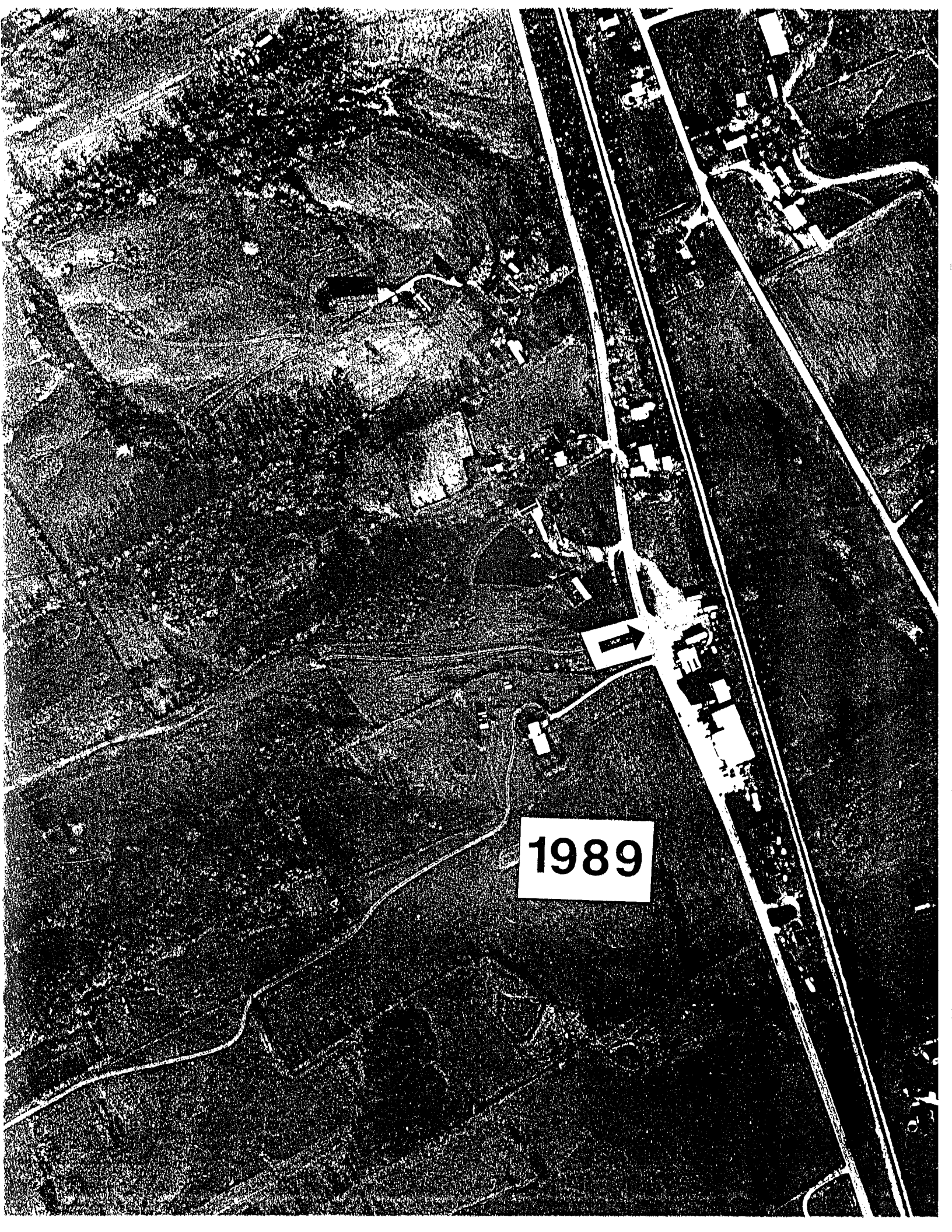


SHEET # 1 - Location Map



A-2

Sheet #2 - Zoning



1989

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Chuck Mason
527 Maher Road
Walton, KY 41094
- 2. ADDRESS OF PROPERTY
11549 U.S. 25
Walton, Kentucky 41094
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Richwood Baptist Church

DEED BOOK: 79 PAGE NO.: 635 GROUP NO.: 2072

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

- Zoning Map Amendment from _____ to _____ Conditional Use Permit
- Development Plan Conditional Zoning
- Subdivision Plat (unrecorded) Other:
- 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

10.50 A.M.
RECEIVED

1995 FEB 17 A 9:53

JERRY W. ROUSE
BOONE COUNTY CLERK

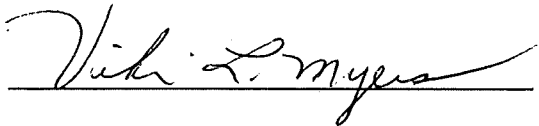
Jeffrey F. Hayes
SIGNATURE OF COMPLETING OFFICIAL

Jeffrey F. Hayes/Planner
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 10 th day of February, 1995.

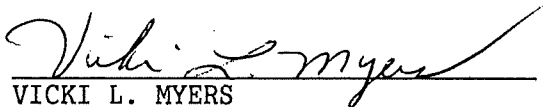


NOTARY PUBLIC, State at Large

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.)

CLUR# 95-BCBOA-001-A

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 January 11, 1995, (Certificate of Land Use Restriction # 95-BCBOA-001-A), for Chuck Mason, property owner.

The following conditions apply to the Conditional Use Permit: 1.) The limit of 70 chairs and services on Sunday morning, Sunday evening, and Wednesday evening. Sunday School is from 9:45 a.m. to 10:45 a.m., church is from 11:00 a.m. to noon or 12:15 p.m. and evening services are from 6:30 p.m. until 7:30 p.m. 2.) The applicant will provide a sketch which indicates where the church members will park during church services. 3.) That church services shall be confined to the inside of the building or the rear of the building away from public view. 4.) The applicant would be permitted to advertise on the existing free-standing sign and upon the building. Any proposed signage would require a sign permit from the Boone County Planning Commission. 5.) Revivals can be held one in the spring and one in the fall, with the meetings being held Sunday through Friday for one week.

The approved Conditional Use Permit as well as the preceding conditions apply to the property

described in: DEED BOOK 79 PAGE NO. 635 Group No. 2072

State of Kentucky, County of Boone
JERRY W. ROUSE, Clerk of the Boone County
Court, do certify that the foregoing
Misc. was, on the 17 day of Feb.
19 95, at 9:53 A.M., lodged in my office
for record, and that it has been duly recorded in
my said office, together with this and the
certificate thereon endorsed.
Given under my hand this 17 day of Feb
19 95.
JERRY W. ROUSE, CLERK
By Jerry Rouse D.C.