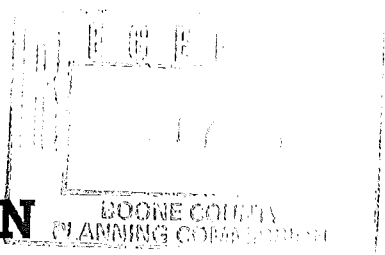


APPLICATION FORM  
**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION**



(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 OHIO DISTRICT LUTHERAN CHURCH EXTENSION FUND, INC.  
Phone Number 1-216-235-7297 Fax No. 1-216-235-1970  
Applicant's Address 6451 COLUMBIA ROAD P.O. BOX 38277  
OLMSTED FALLS OHIO 44070  
City State Zip
- 4. Description of Request: CONDITIONAL USE PERMIT FOR USE OF LAND AS A CHURCH SITE.
- 5. Name of Development N/A.
- 6. Location of Development 1292 BOONE AIRE ROAD (VACANT LAND)  
FLORENCE, KY 41042
- 7. Acreage Under Review 6.6 Ac.
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
- 9. Owner of Property DANNY AND BRADY ANN HOLT  
Phone Number of Owner (606) 586-8137
- 10. Address of Property Owner 3471 EASTON ROAD  
BURLINGTON, KY 41005  
City State Zip
- 11. Proposed Use(s) on Site CHURCH SITE
- 12. Total Square Footage of Existing and/or Proposed Buildings  
NONE EXISTING.
- 13. Current Zoning on Property S R 1
- 14. Deed Book 295 Page No. 127 Group No. 2026
- 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? SEE LETTER
- 17. Have you submitted a list of adjoining property owners with this request? No.

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: David [unclear] for OHIO DISTRICT LUTHERAN CHURCH EXTENSION FUND, INC.  
 Property Owner's Signature: Danny Holt Brady Ann Holt  
1-7-95

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2

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

R#5730

1. Date Received 1-17-95 Fee Received \$371.00 R# 5701
2. Is application complete?  Yes  No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 2-8-95
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: Church

APPLICANT: Ohio District Lutheran Church Extension Fund Inc.

LOCATION: 1292 Boone Aire Drive, Boone County

ZONING: Suburban Residential One (SR-1)

DATE: February 8, 1995

The applicant is requesting a Conditional Use Permit to develop a Lutheran Church on a vacant 6.6 acre site. The applicant has not provided a Concept Development Plan of how the site would be developed, but has indicated they hope to be able to construct the church within 2 to 3 years. The church would have a sanctuary large enough to accommodate 250 worshippers, a fellowship hall, and classrooms. No secondary use beyond church or church related activities are planned for the site at this time. The property is zoned Suburban Residential One (SR-1) and is located between KY 18 and Boone Aire Drive and borders Zig Zag Road to the east (See Sheet #1).

The proposed use is permitted with a conditional use by the Boone County Zoning Regulations in Article 9, Section 933, 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 use;
- b) the activity will not contradict the low density character of the district;
- 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: KY 18 with vacant undeveloped land to the north.

South: Apartments zoned Urban Residential One (UR-1) and vacant land zoned Suburban Residential Two (SR-2).

East: Single-family homes zoned Urban Residential One (UR-1).

West: Reminiscent Herb Farm and single-family homes zoned Suburban Residential One (SR-1)

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates the majority of the site as Commercial, with a small part as Rural Density Residential and Urban Density Residential (See Sheet #3). The 1994 Airport Noise Contours Map shows most of the site within the 70 Ldn noise contour. In general, the Comprehensive Plan further suggests that future commercial activity along KY 18 should serve the growing population between Florence and Burlington, but should not serve regional needs. The Plan also recommends that commercial development along Ky 18 should take into consideration proper access management provisions and the surrounding residential uses.

#### Site Characteristics

The site is basically a rolling wooded area with the lowest elevation near Boone Aire Drive and Zig Zag Road. The highest elevation of the site is located where a house was formerly situated. This site comprises a large part of a more than a one-half mile stretch along KY 18 which is densely wooded. This wooded area is located approximately between the two entrances of Boone Aire Road onto KY 18. The site has approximately 106 feet of road frontage along Boone Aire Road which adjoins with Zig Zag Road. There is also a cemetery located on the property in the northwest corner along KY 18.

#### Staff Concerns

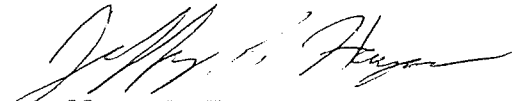
1. Because of the importance of the existing woodland area along KY 18 to the appearance and character of the area every effort should be made to preserve the tree line along KY 18. Staff does not believe that the church building would need to be visible from KY 18 and therefore, preserving the integrity of the tree line along KY 18 should not be a problem.
2. It is hard to determine the impact this proposed use would have on the neighborhood without a site plan or conceptual plan. However, because the site is almost entirely wooded the existing trees along the Zig Zag Road property line would provide an adequate buffer to the existing residences.
3. This site will be required to go through the Major Site Plan Review procedure if the Conditional Use Permit were to be approved.
4. Special attention should be given to the materials and appearance of the building so as to be compatible with the adjacent residential properties. Materials such as brick and stone should be encouraged, while concrete block and corrugated metal siding should be discouraged.
5. Staff believes that the size of church that is being proposed will not present a traffic problem along Boone Aire Drive. In addition, the sight distance along this stretch of Boone Aire Drive are adequate to safely accommodate the traffic generated by this proposed use. However, staff believes that the entrance driveway for the church should line up as closely as possible with the apartment entrance on the opposite side of the street.
6. No clearing should take place on the site until the construction of the church is ready to begin.

7. Staff believes that the proposed sanctuary size of 250 worshippers will not present a problem to the residents who live along Boone Aire Drive. However, the site does contain 6.6 acres which would allow for a much larger church than the applicant has indicated in the future. Therefore, staff believes that if the Conditional Use is permitted the applicant should be required to come before the Board again if the church were to be enlarged beyond the size indicated.

Conclusion

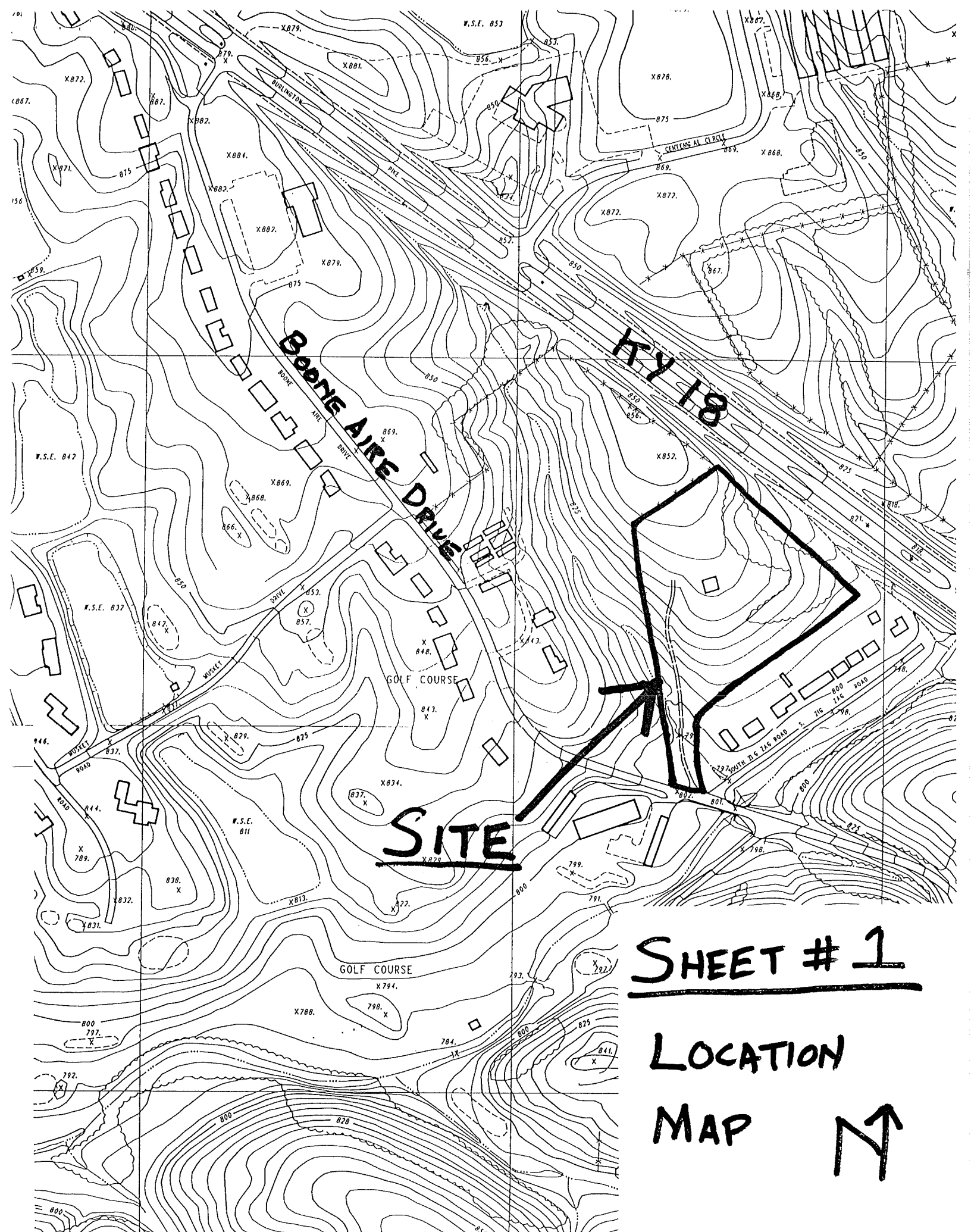
Staff believes that the proposed church will not have a large impact on the character of the area because of the neighborhood scale of the church. However, because the applicant has not indicated how the facility will be located on the site it will be necessary to preserve as much of the natural vegetation as possible to safeguard against any potential unforeseen impacts. The applicant's proposal shall be determined by following the seven criteria the Board must use to judge each conditional use request in addition to the criteria for a Suburban Residential One zone. It should be determined whether the use will 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.

Respectfully Submitted,



Jeffrey F. Hayes  
Planner

JFH\par



**BOONE AIR DRIVE**

**TY 18**

**SITE**

**SHEET # 1**

**LOCATION**

**MAP**



# EXHIBIT A

## FLORENCE KENTUCKY SITE

(presented for the informational use of  
Boon County Board of Adjustments)

The proposed site is 6.6 acres of vacant land as described in the attached document. The only entry and exit onto the site is from Boone Aire Road. It is our intent to have no entrance or exit from Rt. 18.

The site will be used to establish a Lutheran Church of the Missouri Synod whose tentative name is Good Shepherd Lutheran Church.

Presently a number of residents from the Florence, Kentucky and surrounding areas are meeting in homes to conduct worship services. We believe that the Florence area is a growing community and that the Lutheran Church would be an attractive basis of spiritual worship.

We foresee the church as being permanent structure which, when complete, would hold 250 worshippers. A fellowship hall and classroom space would provide room for education, church and community functions. Parking for these activities is planned adjacent to the facility.

Typically it takes 2 to 3 years for a project of this nature to begin actual construction. We believe this would be the time frame we would use.

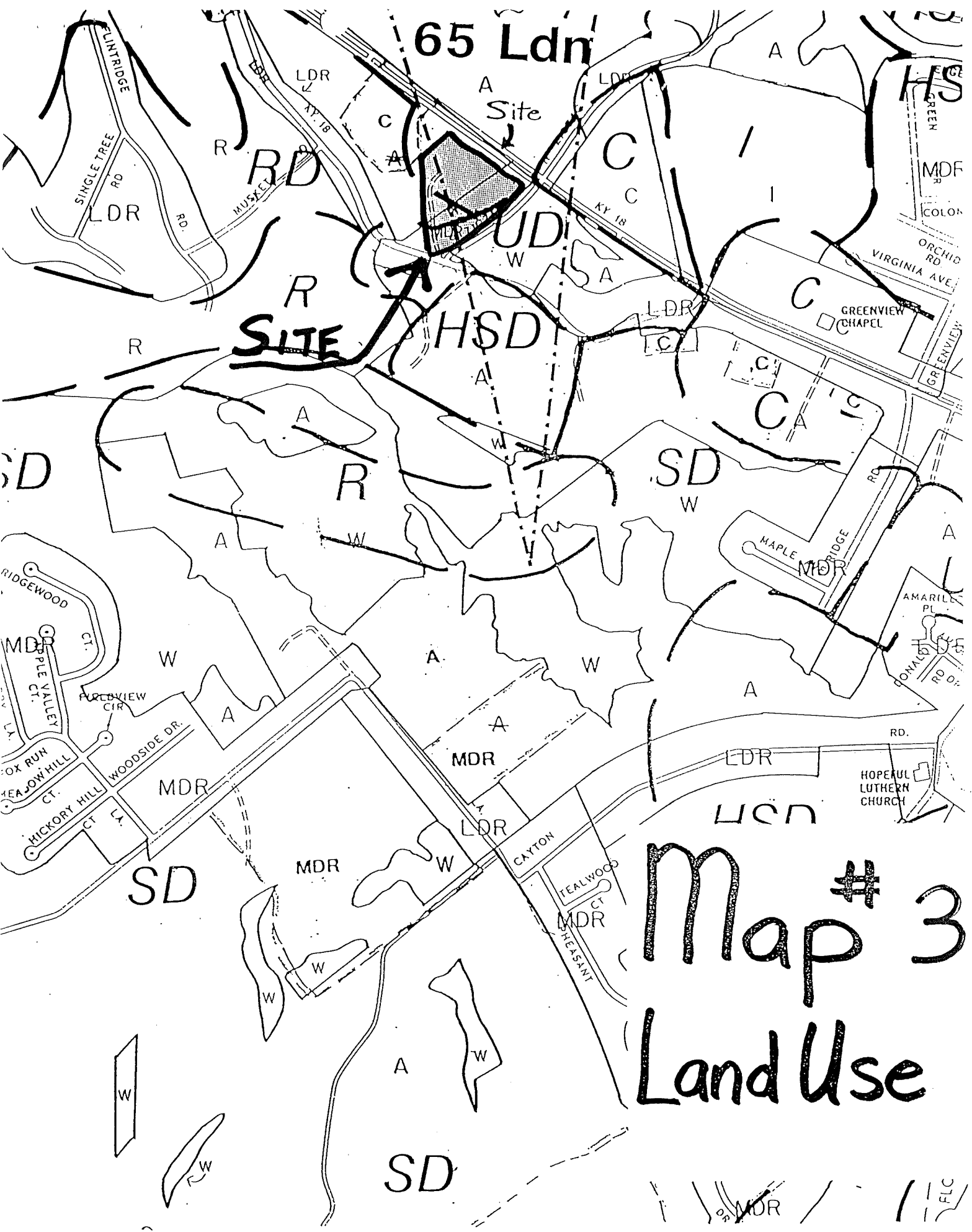
We do not foresee the facility being used for anything but a church. We would hope as the membership increases over the years and the community responds to our program that perhaps a daycare or preschool program might be developed to strengthen the community. No secondary use beyond church or church related activities is planned.

At the time of actual church construction, we would situate the facility in an advantageous position to be seen from major roads. We would landscape the area with grass and shrubs and provide natural buffers between adjoining properties. A sign would be erected and placed on the site according to code and requirements to identify the site as a church.

There exists on the site a small (8 grave) cemetery. This will be preserved, fenced and cared for. It is not our intent to remove it at anytime. If necessary, in the future, all living relatives will be contacted and the appropriate steps taken to reenter the dead at Hopeful Lutheran Cemetery at our expense.



65 Ldn



Map # 3  
Land Use

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)  
Danny and Brady Ann Holt  
3471 Easton Road  
Burlington, Kentucky 41005
- 2. ADDRESS OF PROPERTY  
1292 Boone Aire Road  
Florence, Kentucky 41042
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Ohio District Lutheran Church

DEED BOOK: 275                      PAGE NO.: 127                      GROUP NO.: 2026


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

<p>_____ Zoning Map Amendment          from ___ to ___</p> <p>_____ Development Plan</p> <p>_____ Subdivision Plat          (Unrecorded)</p> <p>_____ Variance</p>	<p><u>  X  </u> Conditional Use Permit</p> <p>_____ Conditional Zoning</p> <p>_____ Other:</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------

- 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

RETURN TO

  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Jeffrey Hayes, Planner  
NAME AND TITLE OF COMPLETING OFFICIAL  
(type or print)

RECEIVED  
1995 MAR 22 A 9:14  
JERRY W. ROUSE  
BOONE COUNTY CLERK

10.50mp

(12)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf  
of the Boone County Planning Commission this 13th day  
of March, 1995.

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

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 Board of Adjustments and in accordance with the current zoning in effect as of February 8, 1995, (Certificate of Land Use Restriction # 95-BCBOA-002-A), for Danny and Brady Ann Holt, property owner.

The following conditions apply: (1) The site will be required to go through the Major Site Plan Review. (2) The materials and appearance of the building should be compatible with the adjacent residential properties. (3) The entrance driveway for the church should line up as closely as possible with the apartment entrance on the opposite side of the street. (4) No clearing should take place on the site until the construction of the church is ready to begin. (5) The church is required to come before the Board again if the church were to be enlarged beyond the size indicated. (6) The water situation be taken care of. (7) That as many trees as possible remain along KY 18 and in the area to buffer the houses down below. (8) There is to be no metal and no concrete block construction. (9) The church is to meet Planning Commission approval regarding the buffer and tree line.

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

described in: DEED BOOK 275 PAGE NO. 127 Group No. 2026

State of Kentucky, County of Boone  
JERRY W. ROUSE, Clerk of the Boone County  
Court, do certify that the foregoing  
Misc. was, on the 22 day of March  
1995, at 9:14 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 22 day of March  
1995.

JERRY W. ROUSE, CLERK

By Jerry Rouse D.C.