

RECEIVED
SEP - 5 1997
BOONE COUNTY
PLANNING COMMISSION

APPLICATION FORM

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

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 OHIO DISTRICT LUTHERAN CHURCH EXTENSION FUND, IA
Phone Number 384-1989 Fax No. _____
Applicant's Address 9066 GUNPOWDER RD
FLORENCE KY 41042
City State Zip
4. Description of Request: CONSTRUCT CHURCH ADDITION
5. Name of Development GOOD SHEPHERD LUTHERAN CHURCH
6. Location of Development 9066 GUNPOWDER RD
7. Acreage Under Review 4.3 AC.
8. Lot Number and Name of Subdivision (if part of a subdivision)
NA
9. Owner of Property SAME AS APPLICANT
Phone Number of Owner _____
10. Address of Property Owner _____
City State Zip
11. Proposed Use(s) on Site ADD ADDITION TO EXISTING CHURCH AND PARKING & STORM SEWER
12. Total Square Footage of Existing and/or Proposed Buildings 3,000 SF EX/2,500 SF PR
13. Current Zoning on Property SR-1
14. Deed Book 628 Page No. 120 Group No. 2048A
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? YES
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: _____

Property Owner's Signature: Terry E. Sharp
Trustee

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 9-5-97 Fee Received \$670.00 R#16619
2. Is application complete? Yes No
3. Staff Reviewer Ed Chaman
4. Scheduled Board Action Date 10/8/97
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See 10/8/97 BOA MINUTES + OUR
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: Good Shepherd Lutheran Church

APPLICANT: Ohio District Lutheran Church Extension Fund, Inc.

LOCATION: 9066 Gunpowder Road, Boone County

ZONING: Suburban Residential One (SR-1)

DATE: October 8, 1997

Proposal

The applicant is requesting a Conditional Use Permit to allow a church addition and parking lot expansion of the Good Shepherd Lutheran Church, located at 9066 Gunpowder Road, Boone County, Kentucky. The church, which was converted from a 3 bedroom house, is located on a 4.3 acre tract of land zoned Suburban Residential One (SR-1).

On January 10, 1990, the Boone County Board of Adjustment approved a Conditional Use Permit to allow a church at 9066 Gunpowder, Boone County, Kentucky. A copy of the Staff Report and Certificate of Land Use Restriction accompanies this Staff Report. A letter dated September 13, 1996 from Kevin T. Wall, Director of Zoning Services, addressed to Harry Gauspohl of Century 21, is also included. The following were conditions for approval of the January 10, 1990 meeting:

1. Approval will be given, when and if the Northern Kentucky District Health Department issues an okay for the size of the existing septic tank.
2. No building, parking, or sewage expansions will be permitted without approval of the Boone County Board of Adjustment.
3. Proper documentation from the Northern Kentucky Health Department should be received by the Planning Commission if changes to the existing septic system are necessary before occupying the building for church services.

The applicant has submitted a Concept Development Plan with the application. The plan shows the 1,800 square foot church expanding by approximately 1,400 square feet for a total of +/- 3,200 square feet. The plan also contains a new 25' driveway to be located at the northern end of the property and a 50 space parking lot, to be constructed in two (2) phases. The majority of the parking (80%), would be completed during the first phase.

Article 9, Section 933, of the Boone County Zoning Regulations permits churches and other places of religious assembly for worship within a Suburban Residential One (SR-1) zoning district as a Conditional Use. The Board must use the following criteria from Section 933 in addition to the seven criteria in Section 262 of the Boone County Zoning Regulations, to determine if the applicant's request is appropriate.

Section 933

- a) The activity is an integral and subordinate function of a permitted use; or
- 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

North of the site is undeveloped property, a residence, and the western end of Ridgeview Drive. This property is zoned Suburban Residential One (SR-1). East of the site is farm land zoned Suburban Residential One (SR-1). South of the site are a couple residences and farm land. This area is zoned Suburban Residential One (SR-1). West of the site is Gunpowder Road, a single family residence, and future development within Plantation Pointe. The residence is zoned Suburban Residential One (SR-1). Plantation Pointe is zoned Residential Planned Development (RPD).

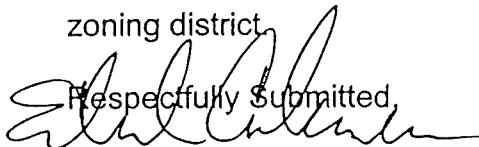
Staff Concerns and Comments

1. If the Board approves the Conditional Use Permit, a Site Plan Review will be required by the Boone County Planning Commission Staff before development is to occur.
2. The applicant should agree to provide landscaping around the area of the parking lot that will be visible from Gunpowder Road. Staff has no concerns with the expansion of the church.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Conditional Use Permit to allow a church addition and parking lot at 9066 Gunpowder Road. It is Staff's opinion that the proposed Conditional Use Permit will not adversely affect the Public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The Board should base its decision on the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the criteria for a Conditional Use within a Suburban Residential One (SR-1) zoning district.

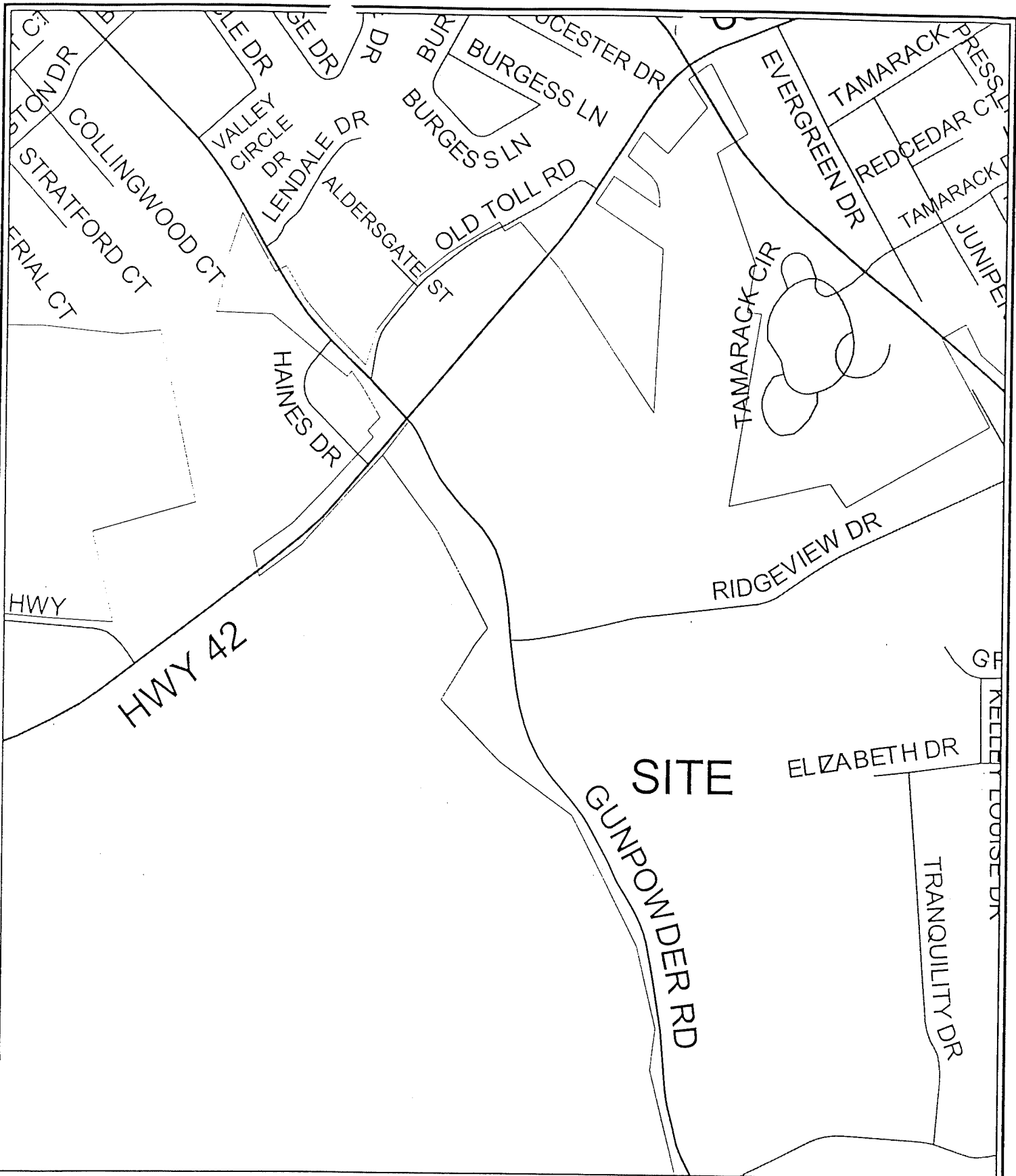
Respectfully Submitted,



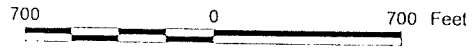
Edward Coleman
Planner

EC\pr

-See Attachments



9066 Gunpowder Road



1 inch equals 700 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 2, 1997





Good Shepherd Lutheran Church
9066 Gunpowder Road

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 1, 1997



BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

September 13, 1996

Mr. Harry Gauspohl
Century 21, Garner Properties

FAX: 282-5452

RE: Church Use of Property Located at 9066 Gunpowder Road, Boone County,
Kentucky - Suburban Residential One (SR-1) Zone

Dear Mr. Gauspohl:

In response to your inquiry, I am providing the following information.

First, a Conditional Use Permit was approved by the Boone County Board of Adjustment and Zoning Appeals to allow the property to be used as a church on January 10, 1990. Uses that are ancillary to the church use, such as day care and social service functions are also permitted under this approval but they must be accessory (clearly secondary and incidental) to the primary use of the property as a church. As nursery and day care centers are Conditional Uses in the SR-1 zone, another Conditional Use Permit would need to be granted to allow the property to be used exclusively for these purposes.

Second, the Conditional Use Permit runs with the property, rather than with an individual or specific party. Therefore, the property may be sold to another party and be used in the manner authorized by the Conditional Use Permit. This means that the church property at 9066 Gunpowder Road may be sold to another party and may continue to be used for church purposes.

Please call me if you have any questions or need any clarifications.

Sincerely,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

1966-1996

"30 YEARS OF PLANNING THE FUTURE OF BOONE COUNTY"

STAFF REPORT

APPLICANT: Victory Baptist Church (Richard Haggett,
pastor)

DEVELOPMENT: church

LOCATION: 9066 Gunpowder Road

ZONE: Suburban Residential One (SR-1)

DATE: January 10, 1990

REMARKS:

The applicant is requesting a Conditional Use Permit to allow the conversion of an existing single family residence into a church. The 4.3 acre site, located on the east side of Gunpowder Road south of Ridgeview Drive, is zoned Suburban Residential One (SR-1) and is owned by Francis Chapman.

A building permit was issued on June 16, 1989 for an 1,800 square foot house on this property. The applicant intends to convert this nearly completed house into a church. This facility is projected to initially accomodate thirty (30) worshipers. The applicant has not indicated the maximum number of people who will use the proposed church, but has stated that the 4.3 acres allow room for expansion in the future. Services will be held on Wednesday and Sunday evenings and on Sunday mornings. At this writing, the applicant is uncertain as to whether or not the house will be used as a parsonage as well as a meeting hall. No plot plan has been submitted with this application.

The following reviews the general criteria for Conditional Uses in the County:

1. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future of this property to be Medium Density Residential (MDR) which is described as "three to eight dwelling units per acre." No specific mention is made of the subject property in the Land Use Element of the Plan. Likewise, no mention is made of future locations for churches in the County. The Plan does make general statements which can be applied to churches such as the overall objective:

"There is nothing inherently incompatible between the various broad categories of land use. Residential, commercial, industrial, and institutional uses can coexist provided proper design principles are applied in developments to minimize frictions created by activities of whatever diversity." (p.G-1)

2. The house has been designed and constructed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity. The applicant is not intending to drastically change the appearance of the house.
3. A church will not be hazardous to existing or future neighboring uses.
4. The site is adequately served by essential public facilities and services.
5. A church will not create excessive additional requirements at public cost for public facilities.
6. Churches do not involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general public.
7. The established vehicular approach to the property will not create an interference with traffic on Gunpowder Road.

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

- a. A church will not contradict the low intensity character of the area.
- b. The arrangement of the house (and proposed church) is compatible with the organization of permitted and accessory uses to be protected in the area.

Staff Concerns

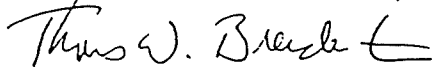
1. With a projected congregation of 30 people, this church would be required to provide parking for 6 automobiles. Currently, there is adequate parking for 6 cars, but as the congregation grows, parking needs will increase. Therefore, staff would suggest as a condition should this permit be approved, that the applicant submit a detailed parking scheme to the Planning Commission staff for review when the congregation grows to forty (40) people. The purpose of this plan would be to ensure that a proper parking arrangement can be constructed upon expansion of the congregation. Staff does not believe that an engineer's services are required for this plan.
2. Prior to Building Permit approval, a sewage permit was issued to the owner for the installation of a septic system. Staff

Staff Report - Victory Baptist Church

Jan. 10, 1990

has requested that the applicant determine from the Northern Kentucky Health District whether or not modifications of the approved system will be required. Staff would recommend as a condition of approval that any subsequent sewage permit be obtained prior to occupancy of the house. If no permit is necessary, documentation of this fact should be submitted for the Board's file.

Respectfully submitted,



Thomas W. Breidenstein
Zoning Enforcement Officer

TWB:twb

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Francis & Virginia Chapman
9066 Gunpowder Rd.
Florence, KY 41042

2. ADDRESS OF PROPERTY

9066 Gunpowder Rd.
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Victory Baptist Church

DEED BOOK: 391

PAGE NO.: 29

GROUP NO.: 2048A

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"/> | Conveyance Plat
(P & Z Code No. _____) |
| <input type="checkbox"/> | Subdivision Plat | <input type="checkbox"/> | Final Plat
(P & Z Code No. _____) |
| <input type="checkbox"/> | Variance | <input type="checkbox"/> | Other (specify): |

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
BOONE COUNTY ADMINISTRATION BUILDING
2950 WASHINGTON STREET - ROOM 205
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Thomas Breidenstein, Zoning Enforcement Officer
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Thomas W. Breidenstein
on behalf of the Boone County Planning Commission this 30th day
of March, 1990.

Gerald A. Newton
GERALD A. NEWTON
NOTARY PUBLIC, State at Large

My commission Expires:

March 8, 1992

This instrument was prepared for recording purposes only by:

Gerald A. Newton
GERALD A. NEWTON
Boone County Planning Commission
Boone County Administration Bldg.
2950 Washington Street - Room 205
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 January 10, 1990, (Certificate of Land Use Restriction # 90-BCBOA-004), for Francis & Virginia Chapman, property owners.

Approval will be given, when and if the Northern Kentucky District Health Department issues an okay for size of existing septic tank. (See attached report.) Also, the Conditional Use Permit be granted subject to the "conditions that they must come back if they increase the size of the building or the congregation which will require additional parking and Site Plan Review, as well as sewage treatment. Also, subject to the condition that the letter from the Health Department satisfies Staff's concerns and meets the criteria; and indicates that the building "as is" is okay at this time."

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 391 PAGE NO. 29 Group No. 2048A

STATE OF KENTUCKY, }
COUNTY OF BOONE } Sct.

I, JERRY W. ROUSE, Clerk of the County Court in and for the county and state aforesaid, do hereby certify that the foregoing instrument of writing was, on the 30 day of March, 19 90, at 3:17 P. M. lodged in my office for record, whereupon the same, the foregoing, and this certificate have been duly recorded in my office.

Given under my hand, this the 30 day of Mar, 19 90.

JERRY W. ROUSE, Clerk
By Dorra Collins, D.C.

COPY

10-8-97

CLUR # 97-BCBOA-013-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Good Shepherd Lutheran Church
9066 Gunpowder Road
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY
9066 Gunpowder Road
Florence, Kentucky

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)
Good Shepherd Lutheran Church

DEED BOOK: 628

PAGE NO.:120

GROUP NO.:2048 A

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

Zoning Map Amendment:
From to

Conditional Use Permit

Development Plan

Conditional Zoning

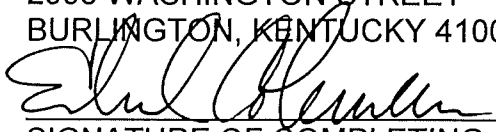
Subdivision Plat
(Unrecorded)

Other: Change In Non-Conforming
Use

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

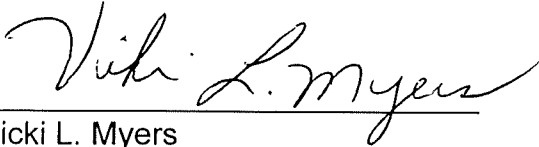

SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 30th day of October 1997.

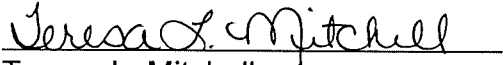


Vicki L. Myers
Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
Teresa L. Mitchell
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 approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 8, 1997 Certificate of Land Use Restriction (# 97-BCBOA-013-A), for Good Shepard Lutheran Church, Property Owners

The following conditions will apply: 1). The applicant will submit a Landscaping plan as part of the Site Plan that will adequately screen the parking lot from Gunpowder Road.

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

DEED BOOK :628

PAGE NO. 120

Group No. 2048 A