

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

SEP 10 1999

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [ ] Florence [X] Walton [ ] Union [ ]
2. (Check One) Conditional Use Permit [ ] Variance [ ] Appeal [ ] Change in Non-Conforming Use [X]
3. Applicant's Name Jesse R Shipp
Phone Number 859-630-8686 Fax No. 859-647-3955
Applicant's Address 2 Meadows Ln Florence Kentucky 41042
4. Description of Request: 250' Kitchen expansion & 728' Deck addition
5. Name of Development Florence EIKS Lodge 314
6. Location of Development Florence EIKS Lodge 7704 Dixie Hwy Florence Ky 41042
7. Acreage Under Review 2.06
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Florence Lodge 314 Benevolent & Protective Order of EIKS
Phone Number of Owner 859-746-3557
10. Address of Property Owner 7704 Dixie Hwy Florence Kentucky 41042
11. Proposed Use(s) on Site Civic social & fraternal org
12. Total Square Footage of Existing and/or Proposed Buildings 2833/3083
13. Current Zoning on Property C1
14. Deed Book 650/832 Page No. 102/540 Group No. 2042
15. Is the site subject to a zone change? NO
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: [Signature]

Property Owner's Signature: [Signature]

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 9-10-04 Fee Received \$ 709.00 40153
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action: \_\_\_\_\_  
\_\_\_\_\_ Approved  
10/13/04 Approved with Conditions (See #6)  
\_\_\_\_\_ Denial (See #7)
6. Conditions of Approval: SEE F.B.O.A. MEETING  
MINUTES
7. Reasons for Denial: \_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page

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

APPLICANT: Jesse R. Shipp for Florence Elks Lodge 314  
LOCATION: 7704 Dixie Highway, Florence, Kentucky  
ZONING: Commercial One (C-1)  
DATE: October 13, 2004

### Proposal

The applicant is requesting a Change in Non-Conforming Use to allow building and deck additions to be constructed onto the Florence Elks Lodge. The subject property is located at 7704 Dixie Highway and is zoned Commercial One (C-1). Mr. Shipp has proposed the following improvements to the property:

- (1) Construction of an approximate 250 square foot (24.67' x 10.33') kitchen addition onto the southern building facade; and
- (2) Construction of 728 square foot (52' x 14') elevated deck onto the western building facade.

### Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for changes in non-conforming use.

Article 2, Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming lots, uses or structures from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Article 2, Section 272 of the Boone County Zoning Regulations states that where, at the time of adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted.

K.R.S. 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

2. The Board of Adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Article 10, Sections 1011 & 1013 of the Boone County Zoning Regulations do not list "business organizations and professional membership organizations including civic, social, and fraternal organizations" as principally permitted uses or conditional uses in the C-1 zoning district.

#### Site History

09/10/97 – The Florence Board of Adjustment approved a Change in Non-Conforming Use to allow the Florence Elks Lodge to occupy the former Cincinnati Bell Telephone Company building. As part of this approval, the Florence Board of Adjustment imposed a condition which prohibited the Elks Lodge from using a 16 foot wide easement which runs through the Domino's Pizza parcel (see attached meeting minutes).

#### Site Characteristics

The site is approximately 1.2 acres in area and contains a building which has an approximate 42' x 68' footprint (2,856 square feet). The site also contains 3 curb cuts on Dixie Highway. Two of these curb cuts are one-way driveways which provide ingress and egress around the building and to the rear parking lot. The third curb cut provides access to the northernmost parking lot. The limits of the site are comprised entirely of impervious surface (building and blacktop parking).

Surrounding Land Uses and Zoning

- North: Kamco Marketing (C-1), Insurance Office (C-1), and Single-Family Residential Dwellings (C-1 & SR-1)
- South: Domino's Pizza (C-1) and Single-Family Residential Dwellings (C-1 & SR-1)
- East: Dixie Highway & Vacant Commercial Land (C-2)
- West: Single-Family Residential Dwelling Fronting on Roger Lane (SR-1)

Staff Comments

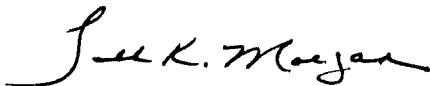
1. The lodge is non-conforming because the Commercial One (C-1) zoning district does not permit civic, social, and fraternal organizations as a principally permitted use or conditional use in the Commercial One (C-1) district.
2. The parking lot striping in the side and rear parking lots is currently non-existent or is extremely faded. As a result, it is almost impossible to make out the parking stalls and driveway aisles. The applicant's submitted Concept Development Plan indicates that they are proposing to re-stripe the parking lots with 111 parking stalls.
3. Staff would like to note that elevation drawings have been submitted with the request (see attachments). These drawings indicate that the approximate 250 square foot kitchen addition will be constructed entirely with brick and fiberglass shingles. Staff would like to know if the applicant intends to paint the brick addition to match the existing building.
4. The applicant informed Staff that there are 91 seats in the existing building and that another 40 seats are being proposed on the deck.
5. Staff is concerned that 40 seats are being proposed on the deck because of the potential noise impacts on the adjoining residential dwellings to the north, south, and west. During the September 10, 1997 Florence Board of Adjustment Meeting it was determined that the Elks Lodge can be open as late as 2:00 a.m. (see attachments).
6. Staff received a letter from Tom and Dolores Wilson regarding the request (see attachments). The Wilson's immediately adjoin the subject property.
7. The Board needs to determine if the proposed building and deck additions constitute an enlargement or extension of the existing non-conforming use. In making this determination, the Board should determine if the additions are more objectionable than what already exists on the site.
8. If the Board grants approval of the request, Staff recommends the following conditions:

- a. The construction materials of the additions will be as presented;
- b. The parking lots will be re-striped; and
- c. A Minor Site Plan application will be submitted Boone County Planning Commission prior to the construction of the deck and/or building addition.

Conclusion

KRS 100.253 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Change-in-Non-Conforming Use.

Respectfully submitted,



Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan
- Exhibit C – Elevation Drawings
- Exhibit D – Zoning Map
- Exhibit E – Aerial Map
- Exhibit F -- Letter from Tom & Dolores Wilson
- Exhibit G – 09/10/97 Florence B.O.A. Meeting Minutes
- Exhibit H – Application



# 7704 Dixie Highway

## Site Vicinity Map

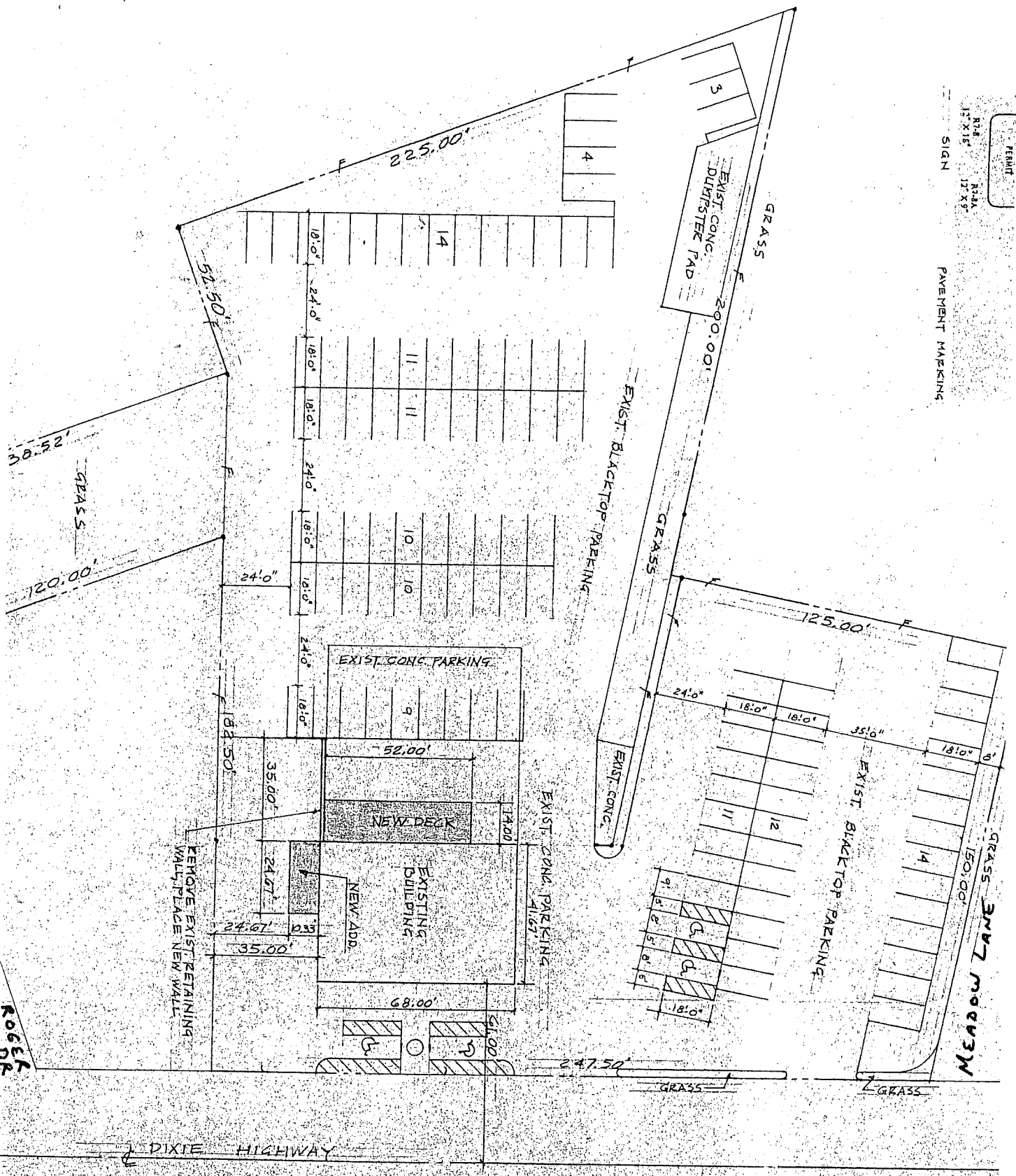
200 0 200 Feet

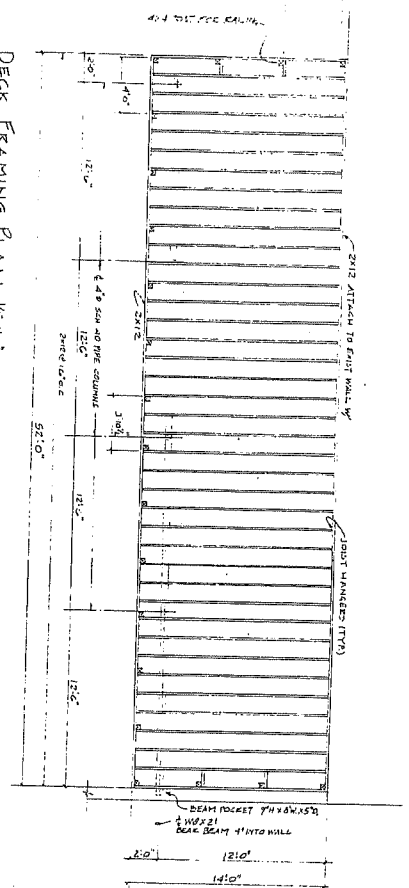
1 inch equals 200 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 September 22, 2004



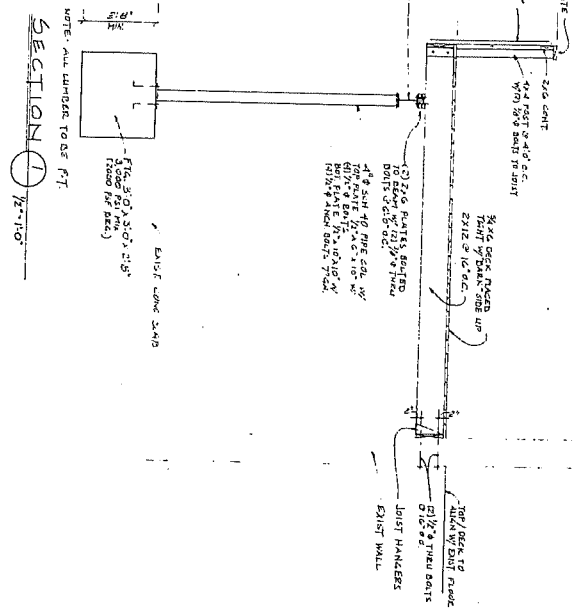
PERMIT  
R-1-A  
13' X 15'  
12' X 5'

SIGN  
PAVEMENT MARKING

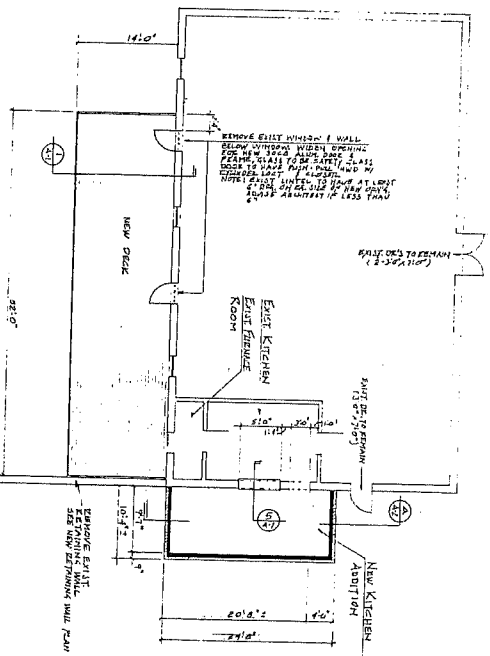




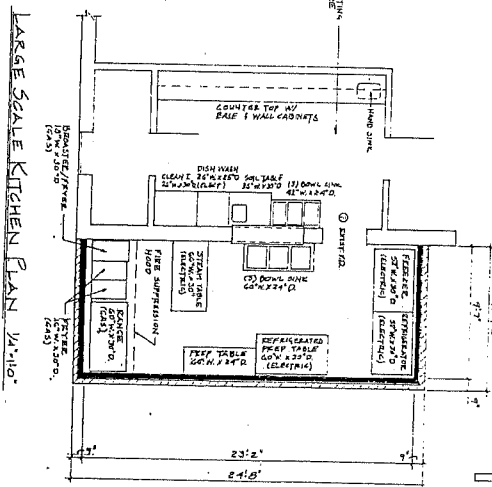
**DECK FRAMING PLAN No. 110.**  
 RAILING IS TO BE ENCLOSED AND  
 DECK IS TO BE ADDED TO EXISTING WALL  
 THIS FINISH



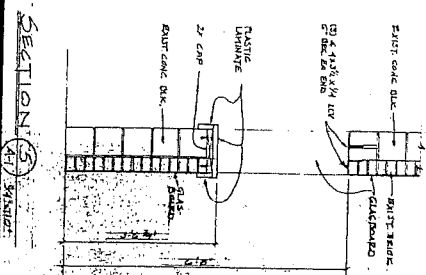
**SECTION 1/2"=1'-0"**



**UPPER LEVEL PLAN No. 110.**



**LARGE SCALE KITCHEN PLAN No. 110.**



**SECTION 5/8"=1'-0"**

DATE <b>A1</b> of 2	SCHEMATIC ■ PRELIMINARY ■ WORKING ■ An addition to <b>Elks Lodge of Florence</b> U.S. 25 Florence, Ky. 41042	REVISIONS 1. 2. 3. 4. 5.	Batson & Assoc. 310 GREENUP STREET COVINGTON, KENTUCKY 41011	<b>AIA</b> ARCHITECTS 722 COMM. 833
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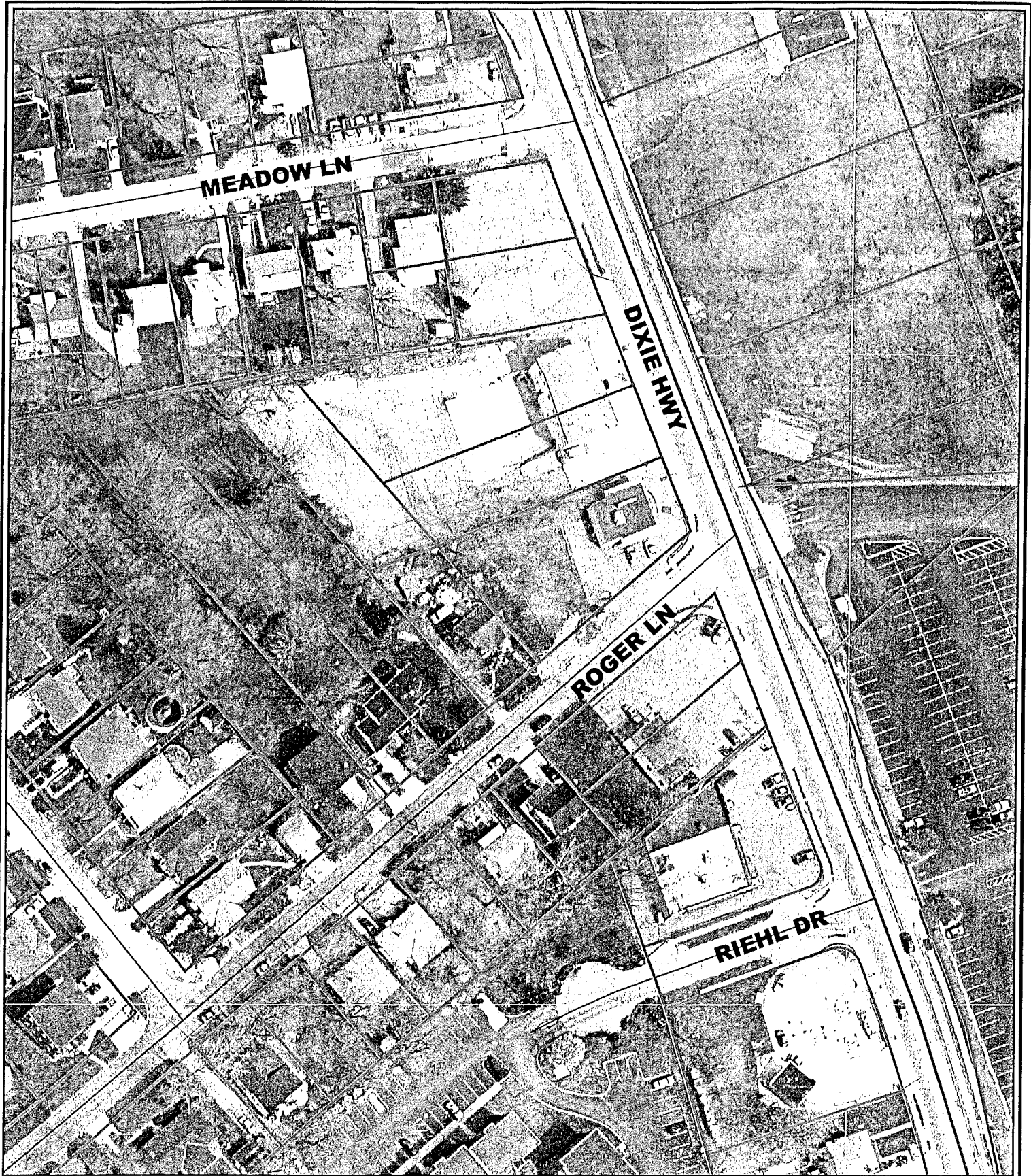


# 7704 Dixie Highway Zoning Map

200 0 200 Feet

1 inch equals 200 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 September 22, 2004





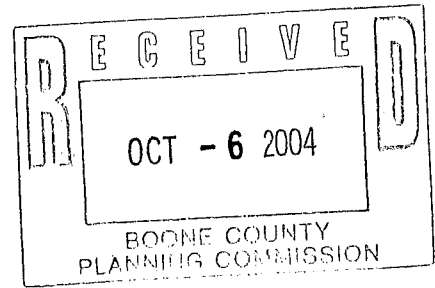
# 7704 Dixie Highway

## Aerial Map

100 0 100 Feet

1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
September 22, 2004





October 6, 2004

Todd Morgan, AICP  
Planner, Zoning Services  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

Dear Mr. Morgan:

Thank you for your letter of September 27, 2004 informing my husband and me of Jesse R. Shipp's request on behalf of the Florence Elks Lodge now pending before the Florence Board of Adjustment and Zoning Appeals. That request is to change a nonconforming use approved for the Elks Lodge a few years ago. According to your letter, the proposed change is to allow building and deck additions to the existing structure at 7704 Dixie Highway, Florence, Kentucky. My husband and I are deeply concerned for several reasons and as we will be out of town when the Board considers this request, we felt we needed to be heard, thus this letter.

The Elks Lodge property fronts on Dixie Highway and its rear property line adjoins the side lot line of our residential property for approximately 200 feet. Our home fronts on Roger Lane where we have resided since 1960. Our address is 5 Roger Lane, the second residence from Dixie Highway. In fact, the Elks Lodge property abuts residential properties on three sides and is near several other residences. The residential area surrounding the Elks Lodge property is a fairly large square formed by three different streets, namely Roger Lane, Orchard Drive and Meadow Lane, each of these streets consisting of a large number of homes that will be directly affected by this change in the use approval previously granted to the Elks Lodge.

A good many of these residences' rear yards abut our back yard or that of my immediate next door neighbors' yards and, as mentioned above, our yard adjoins the Elks property. As a result, any noise that is generated from this change by expanding noises from inside the Lodge to the proposed large deck will affect us all. This reason is what prompts our concern and to question the appropriateness in allowing current inside activities at the Lodge to expand outside that structure to the proposed deck.

Prior to the Elks Lodge occupying the property in question, it was used by Cincinnati Bell and, prior to that use, the old Consolidated Telephone Company. It was used for storage of telephone company storage trucks and equipment but all operations ceased on any given regular work

day at 5:00 p.m. When the Elks Lodge was approved to use the site, it was permitted to have activities inside the building to which my husband and I have no objection, as long those activities and the noise generated remain inside that structure. For example, the Lodge often has karaoke nights on Friday and Saturday and it is not unusual for activities on those nights to go on past 1:00 a.m. in the morning. For the most part we do not hear noise from inside the structure, but when the doors are open for people entering and leaving my husband and I have been able to hear that noise inside our home.

My husband and I want to make clear that we are not complaining of what current activities are going on inside the Lodge's structure. We just do not want those activities to expand outside that structure to the proposed deck. We characterize the activities inside the Lodge as being like a restaurant, tavern or club where there is loud noise and music. We have nothing against the Lodge having its activities inside the structure, we just do not want the noise associated with those activities to be expanded outside where it clearly will be an interruption and disturbance to us inside our own homes. For this reason, we ask the Board to deny the deck requested by the Lodge. To approve this proposal would be the same as expanding a large deck as an outside expansion of a restaurant, bar or social club into a long established residential neighborhood. It would allow more noise, way into the night, than the site's prior users, Cincinnati Bell and Consolidated Telephone Company.

Thank you for allowing my husband and me to provide these written comments to the Board for its consideration.

Sincerely yours,

*Dolores Wilson*  
DOLORES WILSON

*Tom Wilson*

TOM WILSON

FLORENCE BOARD OF ADJUSTMENT  
FLORENCE CITY BUILDING  
BUSINESS MEETING  
September 10, 1997  
8 P.M.

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Chairman Holland called the meeting to order at 8:50 P.M..

BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Mr. Ewing  
Chairman Holland

BOARD MEMBERS NOT PRESENT:

Mr. Pieper  
Mrs. Ward

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Holland stated that the Board members had received copies of the Minutes of the Florence Board of Adjustment Meeting of August 13, 1997. He asked if there were any comments or corrections.

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

Agenda Item:

1. The request of The Florence Elks Lodge #314 (applicant and owner) for a Change in Non-Conforming Use to allow the Florence Elks Lodge to occupy the former Cincinnati Bell Telephone Company building on a 1.25 acre tract at 7704 Dixie Highway, Florence, Kentucky. The property is currently zoned Commercial One (C-1).

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Holland asked for clarification of the last paragraph of the Staff Report. Counselor Wilson explained that Cincinnati Bell used to be Consolidated Telephone Company, which was a pre-existing non-conforming use, and did not have to meet the zoning requirements. Kentucky law allows a property owner who has a pre-existing use to substitute a use for that use if it is no more objectionable than what was there before. The prior use did not use the 16-foot wide passway and, therefore, if the substituted use is to be no more objectionable it probably should not use the passway either.

Mr. Ashcraft questioned imposing conditions. Counselor Wilson advised that the Board has the power to impose reasonable conditions the Board feels are necessary to make the use no more objectionable than the prior use.

Mr. Ashcraft questioned the zoning of the lot to the north of the site. Mr. Coleman advised that it is zoned C-1 and is a vacant parking lot area. Mr. Ashcraft questioned the ownership.

Mr. Jim Meyer, Secretary of Lodge #314, stated that the lot to the north is owned by a lady who lives on Frogtown Road and the telephone company leased that lot from her for employee parking. He stated that they have no intention of doing anything with the parking lot.

Mr. Ashcraft asked if the 16-foot easement is part of the non-conforming use. Counselor Wilson advised that it is part of the property. He stated that it could have been built for access and the accessway was never built. Mr. Ashcraft stated that the 16-foot easement is part of the parcel and it is considered as a whole. Counselor Wilson agreed. Chairman Holland questioned the possible use of the 16-foot easement.

Attorney Mike Lyons, representing the Lodge, stated that there is not a need for the easement, except possibly for maintenance -- such as painting. Mr. Meyer stated that the easement was part of the original acreage. It is located behind Domino's Pizza and before the first residential house. It was on the original deed as a street easement. He stated that they have a concrete wall that comes down there and have no use for the accessway. They have been contacted about selling it to the owner of the house and that may happen in the future. The easement came with the property when they bought it.

Chairman Holland questioned how often the Lodge meets. Mr. Meyer stated that they meet for one hour the second and fourth Wednesdays of every month. The Chairman questioned social events. Mr. Meyer stated that they have dances, hall rental, the Boone County Businessmen use their facility, and they have charity events to raise money. They use the building on average twice a week, and on the second and fourth week they use it three or four times. The Ladies' Auxiliary uses it for meetings once a month.

Chairman Holland questioned the parking being adequate. Mr. Coleman stated that it is a pre-existing use. He stated that when considering what is on the north side that is technically not theirs and the parking in front of the building and in the back, they have plenty of parking. Only about 10 spaces would be required, which is one parking space per 250 square feet of commercial area.

Mr. Ashcraft asked if the building is used for receptions or business meetings. Mr. Meyer advised that the occupancy rate is a maximum of 139 people in the building. Mr. Ashcraft asked if there is an ordinance that would address the number of parking spaces if the building were used for receptions. Mr. Coleman stated that if this were a new site, parking would be an issue -- but since it is a pre-existing use, he does not know what the Board can do -- unless the Board would impose a condition that they have to have enough parking spaces to accommodate all of the people.

Mr. Ashcraft stated that the telephone company had a given number of vehicles that varied a bit, but the Lodge is talking about increasing that number. He asked if this affects the non-conforming use status. Counselor Wilson advised that that would be one of the factors to consider. He stated that the telephone company vehicles arrived early in the morning and this use will not do that. He noted that there may be a questions as to how late they will be there.

Mr. Ewing questioned the hours of operation. Mr. Meyer advised that they vary -- a dance may go from 8 PM to midnight, a meeting may go from 6:30 PM to 11 PM, and the Boone County Businessmen's meetings go from about 7:15 PM to 10 PM. He stated that that would be the approximate time frame. Chairman Holland questioned going past midnight. Mr. Meyer advised that that would occur very seldom -- possibly on New Year's Eve.

Mr. Ashcraft asked if there is a bar open each day for the members. Mr. Meyer advised that there is a bar facility within the building and they have a schedule of when it is open. The members volunteer to bar tend and the bar would not be open every day.

Chairman Holland questioned lighting in the parking lot. Is there lighting there now and will lighting be added for security reasons? Mr. Meyer stated that there is lighting existing for the parking lot. There are eight pole lights around the building and they are not currently using them. They will only use them if they have a function and people are at the back parking lot. They do not want to spend money if they do not have to. Mr. Lyons reviewed the Site Plan with the Chairman and the members of the Board, as well as the adjoining property owners.

Mr. Ashcraft asked if they have plans to change the exterior of the site. Mr. Meyer advised that they will put in two small lights for the entrance at the front. He noted that the property is currently fenced. Mr. Ashcraft questioned trees. Mr. Meyer advised that there are trees all along the property line. The two houses to the side of the parking lot cannot be seen from the parking lot due to the trees. Mr. Coleman noted that there is paving from property line to property line at the back.

Chairman Holland asked if there was anyone present who wished to speak in opposition to the request. There was no response.

Mr. Ashcraft stated that his concerns were in regard to the easement, but they have indicated that they are not using the easement. He stated that it appears that there is sufficient distance between this property and the properties on Meadow Lane or Orchard Drive. He stated that there may be events there at 1 or 2 AM and the lighting should be directed inward away from the residences. Mr. Jim Cummins stated that the lighting that is there now is focused inward on the lot.

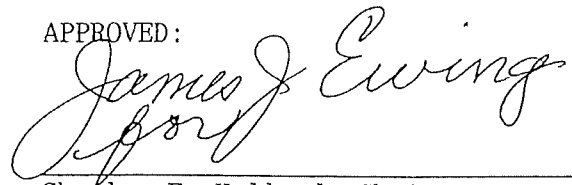
The Chairman asked if the Board wants to impose a condition regarding the hours of operation due to the residences around the site.

Mr. Jesse Shipp, a property owner on Meadow Lane, stated that the lights were always on all of the time even when Bell Telephone was there, but they did not bother the neighbors. He stated that the large trees along the back of the parking lot shield it well. Mr. Ashcraft stated that they would not shield it if there are 139 people leaving at 2 AM. He stated that there should be a limit on how late they are there. He questioned a wedding reception. Chairman Holland stated that if it becomes a problem, they can go to City Council. Mr. Ewing asked how many social functions they have a year. Mr. Meyer responded "about 8 or 10" and added that they have memorial services -- such as on Memorial Day, which are about one to one-and-a-half hours long. He stated that if they rent it out, hall rentals are four hours, such as 8 PM - midnight or 9 PM to 1 AM. Mr. Ewing questioned limiting the hours to 8 PM - midnight. Mr. Meyer stated that that would be limiting for them. Chairman Holland suggested that the Board not impose that condition.

There being no further comments, Mr. Ashcraft moved to grant the Change in Non-Conforming Use with the condition that the 16-foot easement not be used for any purpose without the approval of this Board. Mr. Ewing seconded the motion and it carried unanimously.

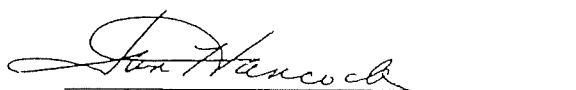
There being no further business to come before the Board, Mr. Ashcraft moved that the meeting be adjourned. Mr. Ewing seconded the motion. The meeting was adjourned by unanimous consent at 9:20 P.M..

APPROVED:



Charles F. Holland, Chairman

Attest:

  
Jan Hancock, Recording Secretary

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

RECEIVED  
SEP 10 2004  
BOONE COUNTY

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
    3.  Change in Non-Conforming Use
  3. Applicant's Name Jesse R Shipp  
Phone Number 859-630-8686 Fax No. 859-647-3955  
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City State Zip
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City State Zip
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If yes, give date of approval \_\_\_\_\_
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  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: [Signature]

Property Owner's Signature: [Signature]  
Chairman of Trustees

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Florence Lodge 314 Benevolent & Protective Order of Elks  
7704 Dixie Highway  
Florence, KY 41042
  
2. ADDRESS OF PROPERTY  
7704 Dixie Highway  
Florence, KY 41042
  
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Florence Elks Lodge 314
  
4.  DEED BOOKS & PAGES 650/102, 822/540      GROUP NO. 2042
  
5. 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
<input type="checkbox"/> Subdivision Plat (Not Recorded)	<input checked="" type="checkbox"/> Other: Change in Non-Conforming Use
<input type="checkbox"/> Variance	
  
6. 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:**

Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services  
Name and Title of Completing Official

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Change in Non-Conforming Use approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of October 13, 2004 Certificate of Land Use Restriction (#04-FBOA-004-A), for Florence Lodge 314 Benevolent and Protective Order of Elks, Property Owner(s).

The following conditions will apply:

- 1) The approval is for the kitchen addition only.
- 2) The construction materials of the kitchen addition are to match the existing building materials.
- 3) The parking lots are to be restriped as shown on the diagram (concept plan) except that the last three parking spaces which are shown in the northwestern portion of the northern parking lot are to be eliminated. There is to be no parking there and that area is to be kept clear. A sign that says "No Parking" is to be posted there.
- 4) A Minor Site Plan application is to be submitted to the Boone County Planning Commission prior to the construction of the building addition.

The approved Change in Non-Conforming Use as well as the preceding conditions applies to the property described in:

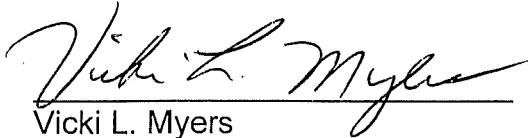
DEED BOOKS & PAGES 650/102, 822/540

GROUP NO. 2042

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

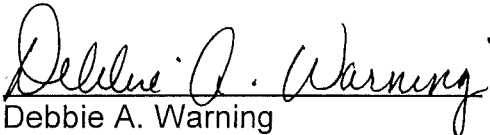
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 19th day of October, 2004.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2007

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
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.)