

65-FBOA-008-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

UG 24 2009

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

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) [checked] Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name Denny McKinney
Phone Number 859-428-0702 Fax No. _____
Applicant's Address 1830 Lemon Northcutt RD.
Dry Ridge Ky 41035
City State Zip
4. Description of Request: Allow construction of an approximate 1,400 square foot parsonage onto rear of church
5. Name of Development Florence Apostolic Tabernacle
6. Location of Development 38 Kentaboo Ave
Florence Ky 41042
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
lots 17 + 18 Charles Chipman's resubdivision
9. Owner of Property Denny McKinney
Phone Number of Owner 859 428-0702
10. Address of Property Owner Dry Ridge Ky 41035
City State Zip
11. Proposed Use(s) on Site Parsonage for Pastor
12. Total Square Footage of Existing and/or Proposed Buildings Existing 2300 sq ft Proposed 1400 sq ft
13. Current Zoning on Property SR 2
14. Deed Book 660 Page No. 127 Group No. 2034B
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: Denny McKinney

Property Owner's Signature: Denny McKinney / Pastor

**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 8-24-05 Fee Received \$561.00 ~~43552~~
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
9-14-05 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 9-14-05 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 - 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: Denny McKinney for Florence Apostolic Tabernacle Church
LOCATION: 38 Kentaboo Avenue, Florence, Kentucky
ZONING: Suburban Residential Two (SR-2)
DATE: September 14, 2005

Proposal

The applicant has applied for a Conditional Use Permit to allow an approximate 1,400 square foot parsonage to be constructed onto the rear of Florence Apostolic Tabernacle Church (see Concept Development Plan). A letter from the applicant (see attachments) explains that the parsonage will be one story construction with a basement and will have brick exterior that will match the existing church. In addition, high pressure sodium light will be mounted on the addition to illuminate the church parking lot.

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeal is to grant conditional use permits as specified by the zoning order.

Article 9, Section 933 of the Boone County Zoning Regulations permits "Churches, synagogues, temples and other places of religious assembly for worship" as a conditional use within a Suburban Residential Two (SR-2) district.

Article 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 943 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings For all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to 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 same area;

3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 9, Section 943 of the Boone County Zoning Regulations allows churches as a conditional use in the SR-2 district if the proposed facility meets all the requirements:

- A. the activity is an integral and subordinate function of a permitted use; or
- B. the activity will not contradict the compact, but single-family character of the district; and
- 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.

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Suburban Residential" uses. This designation is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

The Land Use Element (Florence Central Area, p. 162) states the following regarding this area:

- A. "Overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments."

The following Future Land Use Development Guideline from the 2000 Boone County Comprehensive Plan applies to the application:

- A. "Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects ..."
(Buffering, p. 159).

Surrounding Land Uses and Zoning (From Proposed Fellowship Hall)

North: Single-Family Residential Dwellings on Chipman Dr. (SR-2)

South: Single-Family Residential Dwellings on Kentaboo Ave. (SR-2)

East: Single-Family Residential Dwelling on Kentaboo Ave. (SR-2)

West: Single-Family Residential Dwelling on Kentaboo Ave. (SR-2)

Site History

07/08/92 – The Florence Board of Adjustment approved a Conditional Use Permit which allowed the church parking lot to be expanded (see attached meeting minutes).

Site Characteristics

The church is located on an approximate 0.42 acre tract which fronts on Kentaboo Avenue. The church is one story construction with a basement. The front and sides of the church are constructed with brick and the rear is constructed with concrete block. Two curb cuts, including a one-way out, are located along Kentaboo Avenue.

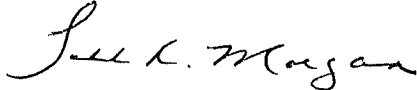
Staff Comments

1. Staff is concerned that no elevation drawings have been provided by the applicant. If the Board grants the request, Staff recommends a condition which requires the parsonage to be constructed with matching shingles and matching brick.
2. Staff is concerned about the potential impacts of site lighting because there are adjoining residential properties. If the application is approved, Staff recommends that only wall packs attached to the building should be allowed on site. In addition, a photometric plan will need to be submitted with the Site Plan which complies with Section 3316 and Figure 33.5 of the Boone County Zoning Regulations.
3. The existing parking lot is not striped. Staff recommends that the parking lot should be striped in accordance with Article 33 of the Boone County Zoning Regulations.
4. The adjoining property owner to the northwest has submitted a letter which explains that he has no objections to the request.

Conclusion

KRS 100.237 and Sections 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the request for a Conditional Use Permit.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

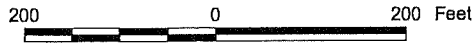
Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Concept Development Plan
- Exhibit D – Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F – Aerial Map
- Exhibit G – 07/08/92 Florence B.O.A. Meeting Minutes
- Exhibit H – Letter From Richard O. Pottinger
- Exhibit I – Application



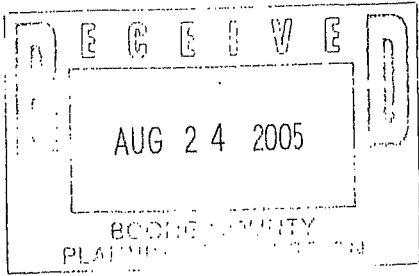
KENTON COUNTY

38 Kentaboo Ave. Site Vicinity Map



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 1, 2005





*Florence Apostolic Tabernacle
38 Kentaboo Avenue
Florence, KY 41042*

38 Kentaboo Avenue
Florence, KY 41042
August 16, 2005

Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

To Whom it May Concern:

We are writing this letter to request permission to add a parsonage to our existing church building located at 38 Kentaboo Avenue, Florence, KY 41042.

The parsonage will be approximately 1400 square feet. The basement of the parsonage will contain approximately 700 square feet and the upper floor will contain approximately 700 square feet. The ceiling height of the basement will be 8 feet and the upper floor will have a ceiling height of 10 to 13 feet. The parsonage will be constructed of a poured concrete foundation, and wood framing with a brick exterior to correspond with the existing church structure. We will be installing high pressure sodium lights, to the addition, to provide lighting for the church parking lot.

The parsonage will be occupied 365 days a year, as it will be used as a residence for the pastor of the church. The church hours of operation are as follows: Sunday services are from 10:00 a.m. to 12:00 noon.; Sunday night services are from 6:00 p.m. to 9:00 p.m.; Wednesday night services are from 7:30 p.m. to 9:00 p.m.

Thank you very much for your consideration of this matter. If you have any further questions or need any more information, please feel free to call me at (859) 428-0702 (home) or (859) 991-3111 (cell).

Sincerely,

Eld Denny McKinney
Eld. Denny McKinney
Pastor

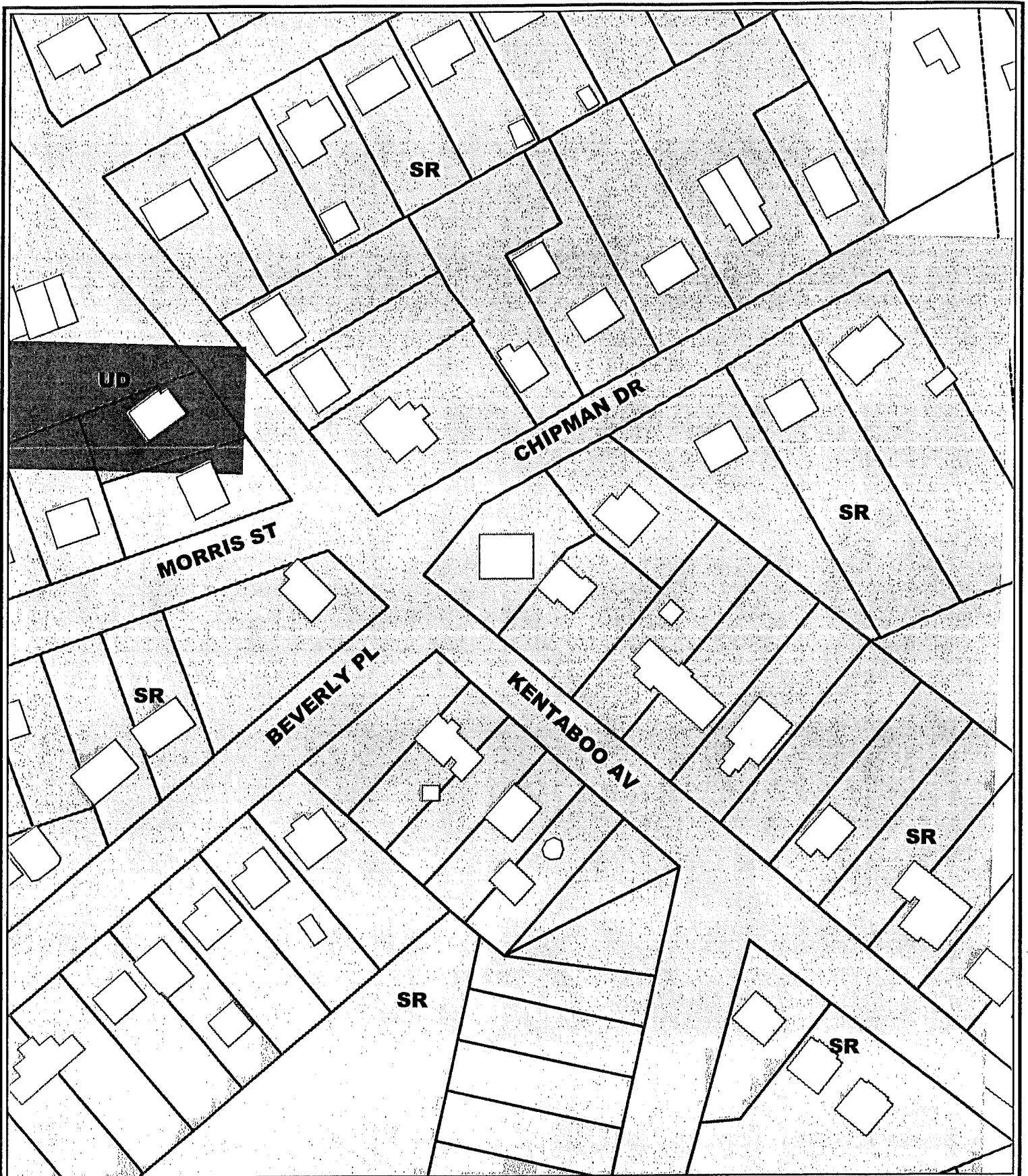


38 Kentaboo Ave. Zoning Map

200 0 200 Feet

1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 1, 2005

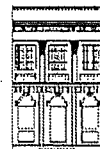


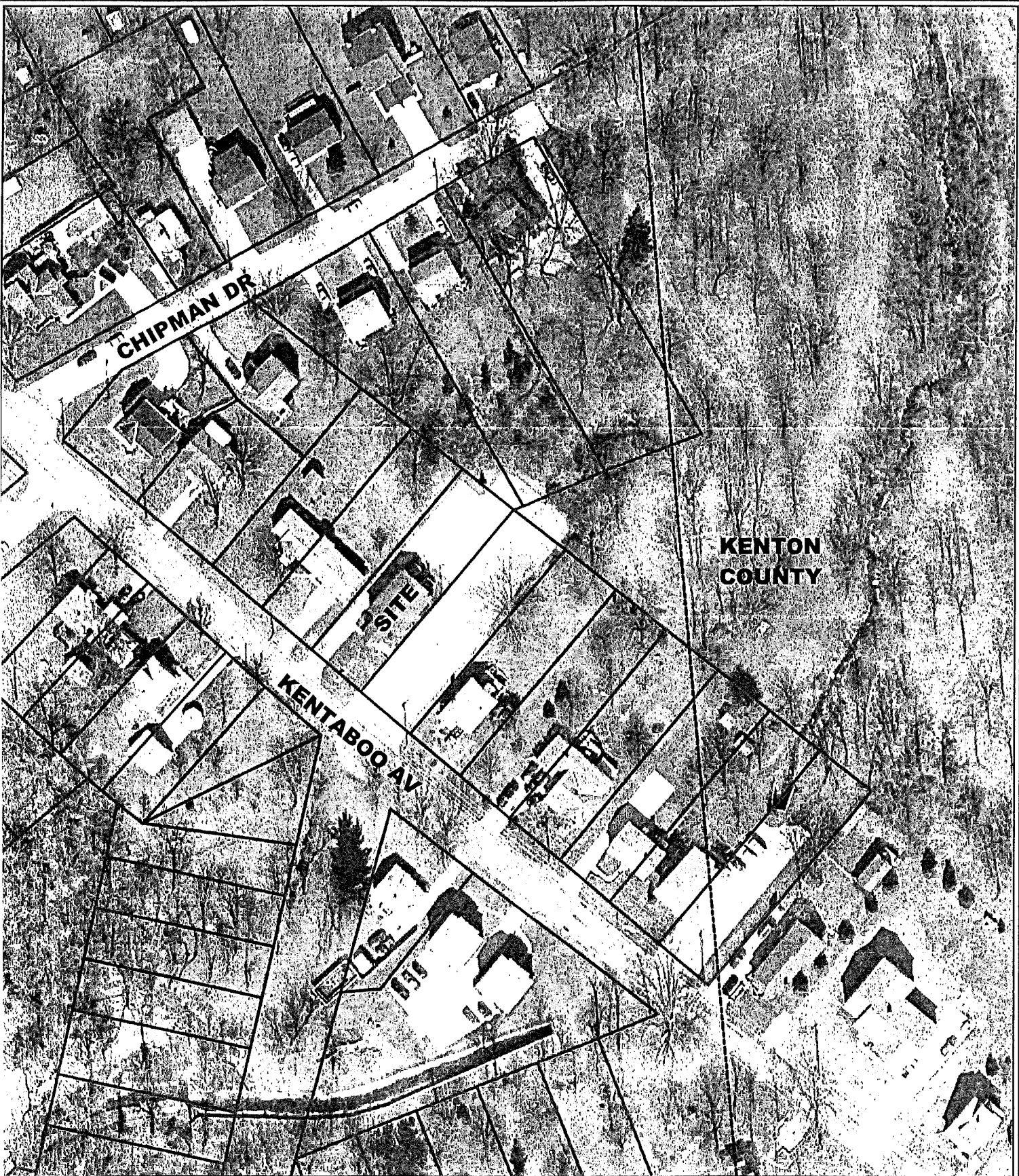


38 Kentaboo Ave. Future Land Use Map



1 inch equals 100 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 5, 2005

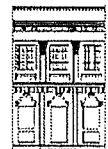




38 Kentaboo Ave. Aerial Map

100 0 100 Feet

1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 1, 2005



FLORENCE BOARD OF ADJUSTMENT
BUSINESS MEETING

July 8, 1992 - 8:00 P.M.

Mr. Charles Holland, Chairman, called the meeting to order at 8:00 P.M..

BOARD MEMBERS PRESENT:

Mr. Ashcraft
Mr. Ewing
Chairman Holland
Mr. Pieper

BOARD MEMBERS NOT PRESENT:

Mrs. Ward

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Holland stated that the Board members had received copies of the Minutes of the Board of Adjustment Meeting of June 10, 1992 and asked if there were any comments or corrections.

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

Agenda Item:

1. The request of Northern Kentucky Church of Christ for a Conditional Use Permit to expand an existing parking lot. The site is located at 38 Kentaboo Avenue, Florence, Kentucky. The property is zoned Suburban Residential Two (SR-2) and is owned by the Northern Kentucky Church of Christ.

Staff Member, Amy Moore, presented the Staff Report. She stated that there are two curb cuts into the site. They propose to increase the parking lot, pave the gravel area, and increase the parking area to the north of the existing parking area, which will increase the parking by about eleven spaces. The spaces will be paved and brought up to the Zoning Regulation standards. If this request is approved, they will have

to go through Site Plan Review as determined by the Zoning Administrator. She noted Staff's concerns (see Staff Report).

Mr. Wally Proctor stated that they will be putting pine trees to the west all the way back, as well as a fence.

In response to questions from Chairman Holland, Mrs. Moore stated that the curb cut to the east of the building is a large curb cut. They will be striping parking spaces up to the street and the spaces will be in the curb cut. Staff would like them to reduce the curb cut, possibly by using parking blocks. There are currently 11 parking spaces and a large gravel area. There will be only 11 more parking spaces, but part of the gravel area will also be paved. They will have to address stormwater management at Site Plan Review.

Chairman Holland asked if there was anyone present who wished to speak in regard to this issue.

Mr. Dennis Brannan, 4 Chipman, stated that he objects to the parking lot being in what used to be his backyard. He stated that the whole area is a watershed for the community and paving it will flood his basement. He lives in the first house on Chipman and only rents the property because of the aesthetics of the backyard. The landlord donated the property to the church because the city was after him about the weeds.

Lynn Clayton, 16 Chipman, stated that the parking lot comes right up to her back yard and takes part of the back yard of the building next door.

Mr. Brannan stated that the only way this would be workable is to raise the property through fill, but that would block the water runoff. It is a "V" shaped lot that goes down into the ravine and the parking lot will be in the watershed.

Chairman Holland stated that Site Plan Review will address the water runoff.

Mr. Brannan stated that the only way for the church to expand is to use the land on either side, not in their backyard. Chairman Holland stated that the church owns the lot.

Mr. Wally Proctor, representing the church, stated that there are only two or three trees on the property and they are not much good. They will clean out the scrub. He referred to the plot plan and stated that the runoff goes right down to the creek and they are missing it by twenty feet. He stated that anyone above them, like on Chipman, would never have water in their basement.

Mr. Ashcraft stated that he visited the site and does not see how the water would go towards Chipman. Chairman Holland reviewed the elevations on the drawing.

Mr. Dan Brewer, representing the church, stated that they plan to put in roughly ten feet of fill. Mr. Proctor reviewed their plans with Mr. Brannan.

Lynn Clayton stated that she was notified by mail. She lives in a single-family residence and the neighbors told her that the church plans to come right up to the area where it is now cleared, which is her main concern. Mr. Proctor reviewed their plans with her and stated that they are not anywhere near her lot. Mr. Brewer reviewed their plans with the group from the neighborhood that was present.

In response to questions from Mr. Ashcraft, Mr. Proctor stated that they will put in roughly five feet of fill. He stated that the property is higher in the back and they will cut it down to where it falls a little bit towards the back. They will have an acre of dirt and then the land will gradually fall and then there will be about 25 feet to the property line.

Mr. Ewing stated that he would be in favor of a buffer for the residences. Mr. Ashcraft asked if there would be a problem in putting a buffer in the back to the elevated portion.

Mr. Brewer stated that they plan to do that already. Along the west end of the extended driveway they will put pine trees.

Chairman Holland questioned the curb cut. Mr. Proctor stated that they have no plans to do anything in the front and do not plan to change the existing parking structure. Mrs. Moore stated that Staff's concern is that there will be a car parked half way in the curb cut. Mr. Brewer indicated on the plan how they park the cars. He stated that the cars would be straight out to the street. Mrs. Moore commented that that is not the way the plan was drawn.

Chairman Holland stated that this has to be concrete or blacktop and done before November. Mr. Proctor stated that he knew this and the timing is not a problem. They plan to use concrete and will pour two or three slabs at a time as they go and will be finished by November.

Mr. Ashcraft asked if there are plans for plantings along the north side towards the creek. Mr. Brewer stated that there is no substantial growth there. Mr. Proctor stated that it is weeds. He stated that there are trees back there, but not on their property.

Mrs. Clayton stated that Jim Picotta, owner of the rental property next to her, let the weeds grow and refused to cut them. He gave the property to the church.

Mr. Brewer stated that they can put trees on the north side also. Chairman Holland stated that there would be trees to the west and to the north.

Mrs. Moore advised that Site Plan Review used to be an option for churches with a Conditional Use Permit, but it is now required with the new Zoning Regulations.

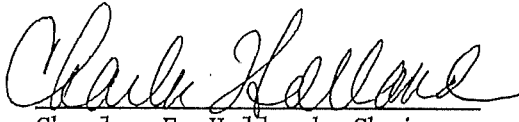
There being no further comments, Mr. Ashcraft moved that the Conditional Use Permit be granted subject to two conditions:

1. That suitable plantings be extended along the west side of the property and along the north side of the property.
2. That the parking spaces in the existing concrete driveway on the east side be designated for parallel parking only.

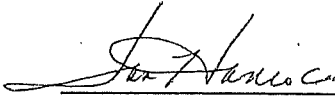
Chairman Holland seconded the motion and it carried unanimously.

There being no further business to come before the Board, Chairman Holland moved that the meeting be adjourned. Mr. Ewing seconded the motion. The meeting was adjourned at 8:30 P.M..

APPROVED:


Charles F. Holland, Chairman

Attest:


Jan Hancock, Recording Secretary

42 Kentaboo Ave
Florence, KY 41042
August, 11 2005

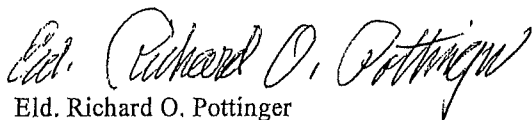
Boone County Planning Commission
2995 Washington St
Burlington, KY 41005

To Whom it May Concern:

I am writing this letter to inform you that I live at 42 Kentaboo Ave, Florence, KY, 41042. My property is adjacent to the Florence Apostolic Tabernacle, which is located at 38 Kentaboo Ave., Florence, Ky 41042. I am the former pastor of the Florence Apostolic Tabernacle, and I am giving my consent to the new pastor, Eld. Denny McKinney, to add a parsonage onto the back of the church.

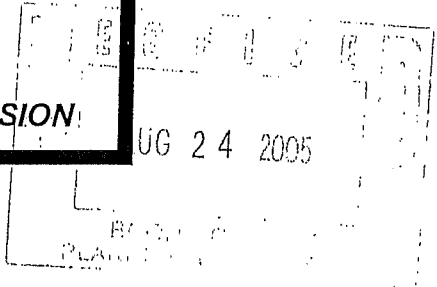
If you need any more information from me please feel free to call me at (859) 992-6141.

Sincerely,


Eld. Richard O. Pottinger

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)
- Boone Florence Walton Union
 - Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
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lots 17 + 18 Charles Chipman's resubdivision
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sq
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 - Deed Book 660 Page No. 127 Group No. 2034B
 - Is the site subject to a zone change? NO
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? YES
 - Have you submitted a list of adjoining property owners with this request? yes
 - 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: Denny McKinney

Property Owner's Signature: Denny McKinney / Pastor

COPY

CLUR #05-FBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Denny McKinney
1830 Lemon Northcutt Road
Dry Ridge, KY 41035

2. ADDRESS OF PROPERTY

38 Kentaboo Avenue
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Florence Apostolic Tabernacle

4. DEED BOOK 660

PAGE NO. 127

GROUP NO. 2034B

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

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Not Recorded)

Other:

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

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 Conditional Use Permit approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of September 14, 2005 Certificate of Land Use Restriction (#05-FBOA-008-A), for Denny McKinney, Property Owner(s).

The following conditions will apply:

- 1) The parsonage is required to be constructed with matching shingles and matching brick. It is to be used for residential purposes only and not for any type of church functions or daycare.
- 2) Only wall packs attached to the building are allowed on site.
- 3) A photometric plan is required.
- 4) The existing parking lot is required to be striped.
- 5) The exit door currently at the rear of the building must be moved to the side of the building.

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

DEED BOOK 660

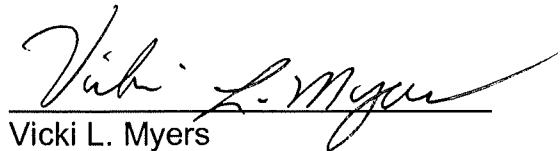
PAGE NO. 127

GROUP NO. 2034B

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

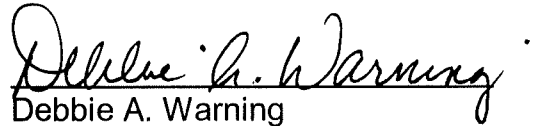
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 3 day of October, 2005.



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.)

TRANSACTION REPORT

Transmission
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
864	OCT. 3 14:16	FLOR PUBLIC SVCS	0° 00' 54"	003	OK	N ECM

CLJR #05-FBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Denny McKinney
1830 Lemon Northcutt Road
Dry Ridge, KY 41035

2. ADDRESS OF PROPERTY

38 Kentaboo Avenue
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Florence Apostolic Tabernacle

4. DEED BOOK 660

PAGE NO. 127

GROUP NO. 2034B

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

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

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Conditional Zoning

Subdivision Plat
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION